

Assistant Attorney General
Criminal Division

May 17, 1973

Acting Director, FBI

Evidence in our possession indicates that the use of CIA materiel for the Hunt-Liddy break-in of Dr. Fielding's office in Los Angeles may have been a violation of 18 U.S.C. 371 and/or 18 U.S.C. 641.

Will you kindly advise whether this matter is to be the subject of further investigation.

ma Loh

CE

EX-105-111

100-111

65-74060

NOT RECORDED

46 MAY 21 1973

10 MAY 21 1973

1 - Mr. Eardley (sent direct)

WDR:edm (5)

WDR

SENT FROM D. C.	
TIME	5:35 PM
DATE	5/21/73
BY	7-82

9 MAY 23 1973

MAIL ROOM ☐

TELETYPE UNIT ☐

ORIGINAL FILED IN

(77)

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. Gebhardt
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, E.S.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Baise
- Mr. Barnes
- Mr. Bowers
- Mr. Herington
- Mr. Conway
- Mr. Mink
- Mr. Eardley
- Mrs. Hogan

Assistant Attorney General
Criminal Division

1 - Mr. Eardley
1 - Mr. E. S. Miller
1 - Mr. R. E. Gebhardt

May 11, 1973

Acting Director, FBI

1 - Mr. W. R. Wannall
1 - Mr. J. R. Wagoner

U.S. vs ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG

Recent press reports state that U.S. Marine Corps Commandant, General Robert E. Cushman, Jr., former Deputy Director of the Central Intelligence Agency (CIA), was the individual within CIA who made available to E. Howard Hunt CIA materials used during the burglary of the office of Daniel Ellsberg's psychiatrist in California. General Cushman has reportedly cut short a European trip to return to the U.S. to give an affidavit to the Department of Justice, to testify before a Grand Jury, and before Congressional committees.

This Bureau has not interviewed General Cushman in this matter. It is requested that copies of the affidavit or any testimony of General Cushman received by the Department in this matter be made available to this Bureau to assist in our investigation into the facts surrounding the burglary of the office of Daniel Ellsberg's psychiatrist.

65-74060

LEB:mlr
(8) *mlr*

NOT SENT

NOTE:

E. Howard Hunt has been identified as part of a special unit at The White House in 1971 which was detailed to investigate leaks to the press of classified documents, including the "Pentagon Papers."

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baine
Mr. Barnes
Mr. Bowers
Mr. Herrington
Mr. Conroy
Mr. Mintz
Mr. Eardley
Mrs. Hogan

CIA Director James R. Schlesinger has testified before the Senate Appropriations subcommittee that White House Aide John D. Ehrlichman called General Cushman and requested CIA assistance for Hunt. The General agreed to the request and thereafter authorized the providing of CIA assistance to Hunt. As noted above, we have not, as yet, interviewed General Cushman, and the requested documents from the Department will materially assist us in our investigation.

MAIL ROOM ☐

TELETYPE UNIT ☐

ENCLOSURE
ROUTE IN ENVELOPE

watergate
interiors

I, General Robert E. Cushman, Jr., USMC, being first duly sworn
depose and say:

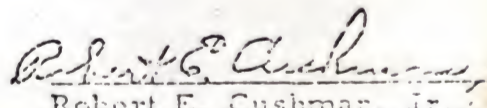
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leaks and overhauling the security regulations. The Central Intelligence Agency is charged with safeguarding intelligence sources and methods. On these facts, I then drew the following conclusion, which I believe any reasonable man would have reached, namely, that Howard Hunt had been hired by the White House to act in the security field and that the Central Intelligence Agency was being ordered to assist him.

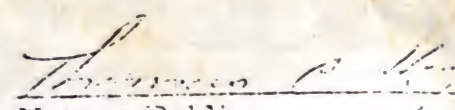
4. Following this 7 July call, Mr. Hunt called on me in my office on 22 July 1971 and stated that he had a very sensitive one-time interview that the White House wanted him to hold with a person whose ideology he was too sure of and that he dare not reveal his, Hunt's true identity. The White House therefore wanted assistance from our technical services in providing him with an identity which would be other than his own. He, of course, after twenty years in the CIA knew well that we had this capability. It must be recalled that Mr. Howard Hunt was a highly respected and honorably retired CIA employee of twenty years' service. I was not able to elicit any details of the interview which he stated that he had to conduct and he said that on White House orders he was not to reveal the nature and scope of this interview nor of the fact that he worked for the White House. He did assure me, however, that he was working to a good purpose in the interests of the country. Upon his assurance that this was, in his words, a "one-time operation -- in and out," I authorized the Technical Services Division to give him the necessary papers and disguise to enable him to conduct this interview so that he would not be known nor could he be recognized later. To the best of my recollection, I reported this a few days later to the

Director of Central Intelligence, Mr. Richard Helms, and he assented to what I had done. Toward the latter part of August 1971, it was reported to me that Mr. Hunt was becoming more and more unreasonable and demanding and was attempting to go far beyond the scope of the original instructions which I had given and which related to his statement that he had a one-time interview operation to conduct. I therefore immediately stopped all relationships with Mr. Hunt and gave instructions to that effect to the Agency. I called Mr. Ehrlichman on that matter on 27 August 1971, and I said that I cannot give such assistance because it might possibly be construed as involving the Agency in improper activities. I then explained the constraints on the Agency and finally advised Ehrlichman that the Agency would not be doing anything further to do with Hunt. I also advised him that in my opinion Mr. Hunt was of questionable judgment. He should know better than to even ask for such support. Therefore, I made this recommendation to Mr. Ehrlichman for him to do with as he deemed proper.

5. In conclusion, I wish to state that what I did was perfectly proper and was done in conformity with orders from higher authority. As soon as I found out that the individual involved, Mr. Howard Hunt, was not exercising proper judgment and was exceeding what I considered proper, I so reported it to his superior in the White House and to Mr. Helms. This stopped all further dealings with Mr. Hunt.


Robert E. Cushman, Jr.
General, USMC

Subscribed and sworn to before me this 18th day of May, 1972


Notary Public

My Commission expires 5 October

7LW

Mr. Felt	<input checked="" type="checkbox"/>
Mr. Baker	<input type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>
Mr. Cleveland	<input type="checkbox"/>
Mr. Conrad	<input type="checkbox"/>

Intelligence Division

INFORMATIVE NOTE

Date 5/8/73ELLSBERG CASEOral Report on Contact with Attorney for
Bernard L. Barker and Eugenio Martinez

At the request of the Department, last evening we instructed Washington Field Office (WFO) to interview Barker and Martinez who were

[REDACTED]

At 10:55 a.m., 5/8/73, [REDACTED] of WFO orally advised that Mr. Dan Schultz, 1990 M Street, N.W., the attorney for both Barker and Martinez, stated that he did not desire that his clients be interviewed.

Recommended this information be furnished the Acting Director.

WRW:mah

EM

79 MAY 23 1973

Intelligence Division

INFORMATIVE NOTE

Date 5/11/73ELLSBERG CASE

1 - Mr. Eardley

Oral Report of Interview with Attorney of
David Young

On 4/30/73 the Department requested we interview David Young, former staff member, National Security Council, to secure any information he had concerning the burglary of Ellsberg's psychiatrist's office. At that time his attorney, Anthony A. Lapham, advised that Young was scheduled to appear before the Watergate Grand Jury in Washington and after that he would let us know when Mr. Young would be available for interview.

At 12:15 p.m., 5/11/73, [REDACTED] of Washington Field Office advised that Mr. Lapham had telephoned to say that Mr. Young is working with Prosecuting Attorney Earl J. Silbert on the Watergate matter and therefore he prefers not to have Mr. Young subject of an FBI interview at this time.

Recommended this information be furnished to the Acting Director.

WRW:mah

ROUTE IN ENVELOPE

NOT RECORDED
17 MAY 26 1973

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Intelligence Division

INFORMATIVE NOTE

5/10/73

Date

ELLSBERG CASE

On 5/5/73 Attorney Anthony A. Laphan, Washington, D.C., advised that he had been retained by David Young, and Mr. Young had been subpoenaed to appear before the Grand Jury, U.S. District Court, Washington, D.C., 5/4/73. However, Mr. Earl Silbert, principal Assistant U.S. Attorney in the Watergate inquiry, had rescheduled Mr. Young to appear on 5/8/73.

Mr. Laphan further advised he had insufficient time to study the matter and did not feel Mr. Young should be interviewed by the FBI at this time. He also said that the recent White House statement regarding Executive Privilege needs clarification and study, and until he has had the opportunity to research the matter, he did not desire to subject his client to an FBI interview. He requested that he be recontacted the first part of the week of 5/7/73 for a final decision as to the availability of Mr. Young for an interview.

Copies of the attached have been furnished to Deputy Attorney General Kevin T. Maroney.

LEB:mlr

LEB

ROUTE IN ENVELOPE

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/7/73

On May 5, 1973, Attorney ANTHONY A. LAPHAN was contacted at his office, 734 15th Street, N.W., Washington, D.C. He advised that late Thursday night, May 3, 1973, he was retained as Attorney by DAVID YOUNG. At that time he learned that YOUNG had been subpoenaed to appear before the Grand Jury, United States District Court, Washington, D.C. on May 4, 1973, at 2:00 pm.

On the morning of May 4, he contacted the principal Attorney in the Watergate Trial, EARL SILBERT, and related that he, LAPHAN, had not had sufficient time to confer with his client and asked for a delay in the appearance of YOUNG in answer to the above subpoena. This was granted and YOUNG is now scheduled to appear before the Grand Jury on May 8, 1973 at 2:00 pm.

As a consequence of not having had a sufficient opportunity to discuss the position of YOUNG relating to the Pentagon papers matter and to properly advise him, Mr. LAPHAN does not feel YOUNG should be interviewed by the FBI at this time.

LAPHAN also feels the recent White House Statement dated May 3, 1973, regarding Executive Privilege, needs clarification and study. Until he has had an opportunity to fully research this recent White House guideline, he does not desire to subject his client to an interview by the FBI. LAPHAN requested that he be contacted the first part of the week of May 7, 1973, for a final decision as to the availability of YOUNG for interview.

Interviewed on 5/5/73 at Washington, D.C. File # WFO 65-11613-2007
 [REDACTED] ELG:mrh Date dictated 5/7/73

ENCLOSURE

Mr. Felt ☒
 Mr. Baker ☐
 Mr. Callahan ☐
 Mr. Cleveland ☐

Intelligence Division

INFORMATIVE NOTE

Date 5/11/73

1 - Mr. Ea

ELLSBERG CASEOral Report on Status of Ellsberg Trial

At 3:32 p.m. [REDACTED]
 Los Angeles Office, telephonically advised that the court had recessed just two minutes before this call and would be in recess for one hour (until 1:30 p.m. Los Angeles time). He said all indications are that Judge Byrne will dismiss the case involving Ellsberg.

The defense stressed that it will take a dismissal and not oppose the court ruling; however, it was obvious, according to the defense, that because of the Watergate matter and the President's close association with it, the FBI produced "this mysterious employee" (employee who recalled an overhearing of Ellsberg on the Halperin tesur) and that this should be looked into. In other words, the defense indicated the FBI is "taking the rap to save the White House."

Recommended this information be furnished to the Acting Director.

WRW:mah

ROUTE IN ENVELOPE

79 MAY 23 1973

Mr. Felt	/
Mr. Belmont	/
Mr. Callahan	/
Mr. Cleveland	/
Mr. Conrad	/

Intelligence Division

INFORMATIVE NOTE

ELLSBERG CASEDate 5/11/73
1 - Mr. EardOral Report Re Interview of Felipe DeDiego
by Dade County, Florida, Authorities

On 5/11/73 Departmental Attorney Kevin T. Maroney advised that press reports indicated DeDiego, one of the individuals involved in burglarizing the office of Ellsberg's psychiatrist in the Los Angeles area, had given a complete statement to Dade County, Fla., authorities on his participation in this act. Maroney asked that we have those authorities contacted in an effort to secure a copy of the statement.

At 3:44 p.m., 5/11/73, Supervisor Howard Albaugh of our Miami Office stated he had secured a copy of this statement from Martin Dardis, Chief Investigator, State Attorney's Office, Dade County, who said it was being made available in accordance with the request of the Dept. of Justice with no restrictions or stipulations on the use of the statement for official purposes. Albaugh said that in the statement DeDiego admitted his participating in the burglary & furnished full details. It is 21 pgs. long & is being transmitted to FBIHQ by telecopier. Upon receipt, a copy will be forwarded to Acting Director & a copy will be furnished Mr. Maroney in compliance with his request.

Recommended that this information be forwarded to the Acting Director.

WRW:crk

ROUTE IN ENVELOPE

NOT RECORDED

17 MAY 21 1973

79 MAY 23 1973

Intelligence Division

INFORMATIVE NOTE

Date 5/11/73

1 - Mr. Eardley

Mile

On 5/11/73, Departmental Attorney Kevin T. Maroney advised that press reports indicated that Filipe DeDiego, one of the individuals involved in burglarizing the office of Ellsberg's psychiatrist in the Los Angeles area, had given a complete statement to Dade County, Florida, authorities on his participation in this act. Maroney asked that we have those authorities contacted in an effort to secure a copy of the statement.

Attached is copy of De Diego's statement received from Martin Dardis, Chief Investigator, State Attorney's Office, Dade County. It was made available in accordance with the request of the Department of Justice and no restrictions or stipulations were made on use of the statement for official purposes. In statement, DeDiego admitted his participation in the burglary and furnished full details.

Copy of attached has been furnished to Departmental Attorney John Martin.

Done
For information.

JHK:mcl

Enclosure

ESAI
JHK
Emph
WBC
SPW
Flaw

ROUTE IN ENVELOPE

79 MAY 23 1973.

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NOT RECORDED
17 MAY 21 1973

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/11/73

MARTIN DARDIS, Chief Investigator, Bada County, Florida State Attorney's Office advised that RICHARD E. GERSTEIN, the State Attorney was out of the office and would be unavailable for interview.

On May 10, 1973 RICHARD GERSTEIN and DARDIS had interviewed FELIPE DE DIEGO, accompanied by his attorney ALFREDO G. DURAN and DE DIEGO had furnished a statement under oath of his involvement in the ELISBERG affair. DE DIEGO was subpoenaed by the District Attorney of Los Angeles County and granted immunity to furnish information about crimes committed in Los Angeles County and he was not questioned in any way about the Watergate affair or any related activities.

DARDIS advised that he was making a copy of DE DIEGO's twentyone page statement available to Agents of the FBI in accordance with the request of the Department of Justice. He was placing no restrictions or stipulations on the use of this statement and he understood it would be made available to the Department of Justice for official purposes.

This statement is as follows:

Interviewed on 5/11/73

Miami, Florida

Miami 65-3264

WWS/fp

Date dictated 5/11/73

65-74060

There appeared in the Office of the State Attorney, Sixth Floor, Metropolitan Dade County Justice Building, 1351 N. W. 12th Street, Miami, Florida, on Thursday, May 10, 1973, at approximately 10:45 a.m., the following:

RICHARD E. GERSTEIN
State Attorney

ALFREDO G. DURAN
Attorney for Mr. DeDiego

MARTIN DARDIS, Investigator
State Attorney's Office

FELIPE DE DIEGO
1841 E. W. 92nd Place
Miami, Florida

JEAN BOWMAN
Reporter

Plumber
DeDiego
interview
watergate

WHEREUPON THE WITNESS, AFTER BEING
FIRST DULY SWORN BY MR. GERSTEIN,
TESTIFIED UNDER OATH AS FOLLOWS:

FELIPE DE DIEGO

MR. GERSTEIN: What is your name and where do you live?

MR. DE DIEGO: Felipe DeDiego.

MR. GERSTEIN: Let the record reflect that Mr. DeDiego is present in the Office of the State Attorney of the Eleventh Judicial Circuit of Florida pursuant to a subpoena, and that here with him is his attorney, Alfredo Duran, and Martin Dardis, who is the Chief Investigator for the State Attorney's Office. Mr. DeDiego, I am Richard

this office has been requested by the District Attorney of Los Angeles County to subpoena you here to immunize you from prosecution in connection with any crimes which you may have committed in Los Angeles County in connection with the testimony you give here today; that is, that nothing you say will be used against you to prosecute you for any crime that may have occurred in Los Angeles County, and I am also prepared to offer you immunity for any crime that you may have committed in Dade County, Florida, about which you are interrogated, but I will not and Mr. Dardis will not question you about any matter that occurred in any place other than Dade County or Los Angeles, California. Do you understand that?

MR. DE DIEGO: I do.

MR. GERSTEIN: Mr. Duran, do you understand that and is that satisfactory?

MR. DURAN: Yes.

MR. GERSTEIN: Mr. Dardis will go ahead and question Mr. DeDiego.

Q (By Mr. Dardis) What is your current address and phone number?

A 1841 S. W. 92nd Place. My telephone number is 223-3166.

Q What is your current employment?

A I'm a realtor, Real Estate Broker.

Q What is that address, sir?

A 2731 Coral Way.

Q And the phone number?

A 444-2571.

Q Are you a naturalized citizen, Mr. DeDiego?

area?

A Well, in 1963 I joined the U. S. Army and went to Georgia, Fort Benning, Georgia, and from there I went to Puerto Rico in 1966, and I lived in Puerto Rico until 1968, so I came back to Florida in 1968.

Q Did you participate in what is known as the Bay of Pigs Invasion?

A I did.

Q All right, were you captured, or did you escape at that time?

A I escaped.

Q And you returned to the Miami area?

A Right.

Q And then joined the U. S. Army?

A Right.

Q Without going into any details, Mr. DeDiego, in your role or what you did for this organization, were you at any time employed by the Central Intelligence Agency for the United States Government?

A You mean after the Bay of Pigs Invasion?

Q Yes.

A No, I wasn't.

Q Now, in the year, 1971, were you in the Miami area, living in the Miami area?

A I was.

Q How were you employed during that period of time, for that whole year?

A I was a salesman for Barker Associates, Inc., which is a real estate firm.

Q Is that firm headed up by Bernard L. Barker

For the entire year you worked for that group or real estate firm?

A Right.

Q Did there come a period of time in 1971 when you were approached by anyone to participate in an operation in the State of California?

A I was.

Q Will you tell us in your own words, Mr. DeDiego, and then I'll ask you questions, about how you were first approached and by whom?

A I was approached by Mr. Barker, and he told me that we will join a new organization formed by a CIA man and FBI man, that we'll do some jobs here inside the United States, and then after the election we will be able to -- I mean them, that organization -- will be able to help us in our cause, in our fight against Castro.

Q Where did this meeting take place and when, sir?

A At his office.

Q At Mr. Barker's office here in Miami?

A Right.

Q What period of time are we talking about? When was this?

A I really don't remember very well the time, but it was close to the date we went to California.

Q Would it be fair to say in the late spring of '71?

A I would say so, yes.

Q Who was present besides Mr. Barker?

A Mr. Barker, Mr. Eugenio Martinez, who is another defendant in the Watergate case, and myself.

Go on and tell me the rest.

After a few days of that approach, Mr. Barker told me that we had to make a trip to California to do one of those jobs, and I really understood that we were working for the government at that time.

Q Did Mr. Barker tell you who the ex-CIA man was who was heading this group?

A Yes, he told me that Howard Hunt -- He knew him by the name of Edwards during the Bay of Pigs Invasion -- he was one of the ones that was head of the Bay of Pigs Invasion. He substitutes Mr. Bender (phonetic). Mr. Bender was one of the CIA men in charge of the Bay of Pigs.

Q And he was replaced by Howard Hunt?

A Yes.

Q Howard Hunt, whom you're referring to, is also a Watergate defendant, whose picture has been in the paper; the same individual?

A By the name, yes. I never saw him before, but Howard Hunt, it's the same name.

Q After the meetings, we're at the point where Mr. Barker told you you must go to California?

A Yes.

Q Go ahead, sir. You were talking about Mr. Barker telling you you had to go to California.

A Then we went.

Q What did Mr. Barker say you were going to do in California? Did he explain it to you?

A No, he didn't say anything until we got there.

Q In all of these incidents were you and

Right.

Q Go on and explain to me what you were supposed to do or what he told you at this point.

A At that point he said we had to make a trip and we will know as soon as we get there what the job will be, so we took a plane and we arrived in Los Angeles.

Q Who took a plane, when you say we?

A We three, Barker, Mr. Martinez and myself.

Q You left, and what airline was it?

A It was a 747.

Q Was it a nonstop flight?

A Nonstop, National, I believe.

Q All right, the three of you left for Los Angeles?

A Right.

Q Now, you arrived in Los Angeles. Did you meet anyone there when you arrived?

A No, no. We went to the Hilton Hotel in Beverly Hills.

Q The Beverly Hilton Hotel?

A Right.

Q How did you get there? Did someone pick you up, or did you take a cab?

A We took a cab.

Q The three of you rode in a taxi to the Beverly Hilton Hotel?

A Yes.

Q Who registered there?

A Barker did, with fictitious names. We flew in with fictitious names. I don't remember...

I believe all.

Do you recall what name you used?

A I really don't. It was a fictitious name, but I really don't remember which one it was.

Q Can you pinpoint the date down to a month, Mr. DeDiego?

A No, sir. I believe it was close to a weekend, maybe Thursday or Friday.

Q Well, in relation to the break-in, how long before that did you arrive in Los Angeles?

A The day before.

Q You go to the Beverly Hilton Hotel; did you meet anyone after you registered?

A No, we registered and took two rooms. I stayed with Barker in one, and Mr. Martinez stayed in the other one; I mean next one to the other, and we have communication inside.

Q At what point did Mr. Barker tell you why you were in California?

~~A~~ At the time we arrived there, he said he have to wait for somebody to give him a briefing and what the job will be, and then he will tell us.

Q All right.

A So, let's see, after awhile, late that night, I believe it was; we arrived about -- I really don't remember -- We arrived, I believe, at 6:00 or 7:00 o'clock, so that night, late somebody called him on the phone, and he said that he have to go out for awhile, and he went out, and when he came back, he said that we have a very important thing to do in which the security of the nation was involved, and that, he said at that time he didn't know.

involved, but he said this is a very important thing and we have to see some papers regarding person that is involved in a deep problem here, involving the whole nation, so the next day we make a reconnaissance of the place.

Q Start with leaving the hotel, Mr. DeDiego, and who did you leave with?

A We always were together, I mean.

Q You're telling me now that Barker, Martinez and yourself left the Beverly Hilton Hotel. What time of the day was it; do you recall?

A Sometime the next day.

Q After you arrived?

A Yes.

Q What sort of transportation did you use?

A I mean, we were walking, because the place we had to take a look at was close to the hotel.

Q You walked from the Beverly Hilton Hotel?

A Right.

Q Describe what you did when you left.

A He showed us the place, and he said in that place, in that building, we have to get in.

Q Was it an office building?

A Yes.

Q How far from the Beverly Hilton Hotel; do you recall?

A I would say eight to ten blocks, more or less.

Q Go ahead. You're making a reconnaissance of the place. Describe what you did when you got there.

A We just walked around the building. He showed us one of the windows, that place there we have to get in and

case was on to us with some materi inside.

Q Who gave you the briefcase?

A Barker gave it to me.

Q Did you have it with you when you went to California?

A No, no, it was another one.

Q You're saying somebody gave it to Barker in California?

A I don't know, but --

Q When did you first see the briefcase?

A Well, the night that we got in.

Q Was it in the hotel room?

A It was -- He brought the briefcase with him to the room.

Q Who did?

A Barker.

Q Where did he get it?

A I don't know.

Q Are you saying when he left that time and came back, he had a briefcase with him; is that what you mean?

A Right.

Q You're back in the room, and you've made a reconnaissance, and Barker has this briefcase, and what is in the briefcase?

A Well, there was some cameras and spotlights.

Q You're referring to flashlights?

A Not exactly, some spotlights to take photos.

Q Oh, I understand.

A And then he said, "Well, we have to get inside, you and me, with this briefcase. There is a maid there taking

Would it refresh your memory if I told you?

A Yes.

Q Dr. Fielding (phonetic)?

A Right, so we get in.

Q How did you get in, Mr. DeDiego?

A The door was open.

Q You walked in the main entrance of the office building?

A Right.

Q What floor is Dr. Fielding's office on?

A It was a two-story building.

Q Was it the first floor?

A The second floor.

Q How did you get to the second floor?

A Through the stairways or whatever; I don't remember.

Q What time of day or night are we talking about?

A It was night.

Q What time?

A Around nine o'clock, or ten.

Q All right, how did you get from the Beverly Hilton Hotel to the office building this time with the briefcase?

A We walked, we walked, I believe.

Q All three of you walked along the street?

A No, just Barker and myself.

Q What was Martinez to do?

A He left. He left him in the hotel.

Q All right.

cleaning, isn't it?

A Yes.

Q What did she look like?

A I believe she looked like a Mexican or Latin.

Q Did she speak Spanish?

A Yes.

Q Did you converse with her in Spanish?

A I believe so, yes.

Q What did you tell the maid?

A Well, we told them -- I mean her -- that we have these things for the doctor, that doctor, and we have to leave it inside the office, and we request her to open the door for us, so she did it, and we left the briefcase inside, and then we got out, and after that we went back to the hotel, and late that night we got in.

Q All right, start from the hotel again. What did Martinez do this time?

A When we came back, we meet him in the room, you see.

Q Right.

A Then we came back.

Q When you say we, describe who you mean.

A We three.

Q All three of you left the hotel?

A Yes.

Q What time was this?

A Late at night.

Q How long after 9:00 o'clock?

A 1:00 o'clock.

Q 1:00 o'clock in the morning?

wait until she left.

Q How did you know she left?

A Because there were no lights on.

Q All right.

A Then we got back in again.

Q Tell me exactly where you went and how you got in the building from the street. You walked along the street, all three of you?

A The door was locked. They have two doors, one in the front and one in the back. Both were locked, so we got in through a window.

Q Okay, where was the window; what part of the building?

A In the rear left part of it.

Q You're standing under the window, Mr. Bellie, and how did you gain entrance? What did each person do? How did you get into the building?

A We walk over, and there were some bushes around there, and we just open the door and get in.

Q You opened the window?

A I mean the window.

Q Was it unlocked?

A Yes.

Q Had you unlocked it when you were there before?

A We break and glass, and it's easy to open.

Q You broke the glass at this time at 1:30 o'clock in the morning and reached in and unlocked the window; is that what you're saying?

A Yes.

Q Who did that?

A Martinez and myself, and Barker was waiting.

How did he do it? What did he use to break the window?

A He used -- he put some masking tape there -- and then he tried to do it with one of those things.

Q A glass cutter?

A A glass cutter, and after that he introduced his hand inside and opened the safety pin.

Q He put masking tape over the window; is that what you're saying?

A Yes.

Q And cut it with a glass cutter?

A Yes.

Q Then what did he do?

A He introduced his hand and opened the safety pin inside.

Q How high is the window above the ground?

A Not too high. I would say four or five feet.

Q Then what happened, after you unlocked the window?

A So we got in.

Q Who is we?

A We three got in.

Q All three of you went in?

A Yes, and we went to the doctor's office, and we opened the door.

Q Excuse me a minute, Mr. DeDiego. The window you gained access through and got into the building through, where did that lead; where were you when you got inside?

A Another office on the ground floor.

Q You don't know whose office it was?

hears from Barker who was the name of ~~the~~ person that we have to go the papers.

Q Where are you when he tells you this?

A We were inside the place.

Q How did you gain entrance to his office after you got in the ground floor?

A We forced his office.

Q With what?

A We pushed.

Q You get in the ground floor, you walk up the stairs, all three of you, Barker, Martinez and you, and you then force open the door to Dr. Fielding's office?

A Right.

Q And after entering the office, Barker then explains to you -- what does he tell you after you get inside?

A As soon as we get there, he says, "We are here because we have to take Mr. Daniel Ellsberg's psychiatrist papers here; this is his psychiatrist, so we have to look all over and find that papers," and we took some pictures of that.

Q Wait, now, you're looking for the papers of Dr. Ellsberg?

A Right.

Q And the reason he's telling you that -- did you know who Dr. Ellsberg was at that time?

A Yes.

Q You were familiar with that?

A Yes.

Q He's telling you so you'll know what to look for, what name?

A The name, yes.

Q Did you eventually find the file?

A No, we didn't find anything.

Q Why were you taking pictures?

A Well, he said, "We will take pictures of everything that you see here in order to, if we want to put everything back again, to put it in the same way it is," but then, I don't know why, he changed his mind, and we didn't do it after that, and we left the whole place a mess there.

Q Tell me what you took pictures of, Mr. DeDiego.

A Of what?

Q Of what did you take pictures?

A Well, we took pictures of drawers in the doctor's office, and I believe that was the only picture we took, and then we were looking all over in the files and everything, and we didn't see anything.

Q Did you photograph any documents, Mr. DeDiego?

A I believe we took a picture of what he had on his drawer, but it was nothing regarding Ellsberg.

Q How do you know this?

A Because we saw it. We read what we had. I didn't see anything regarding Ellsberg.

Q How long were you in the office, Mr. DeDiego?

A Well, I would say about an hour or forty-five minutes, something like that; maybe less.

Q What was your job? What were you to do, you, personally, to do when you got in the office that night?

A To find any paper regarding Daniel Ellsberg.

Q You did not handle the camera?

A No, I didn't.

Q You did not take any pictures?

Q Did anyone take any pictures that night?
Yes.

Q Who was that person?

A Martinez took some pictures.

Q He photographed various papers?

A Yes, he photoed (phonetic) a paper from the drawer.

Q Do you have personal knowledge of what Mr. Martinez photographed?

A No.

Q What was Barker doing while Martinez was photographing papers?

A He was also looking for papers.

Q All right, after photographing the papers and having remained in the office for forty-five minutes or an hour, what did you do?

A We packed up everything again and we went out. We came back to the hotel. It was late; it was about 2:00 o'clock or 3:00 o'clock in the morning, I believe, and then I took a shower and Barker said, "Well, we have to leave in the first plane back to Miami."

Q Who carried the briefcase when you left?

A I really don't remember.

Q How did you leave the place; did you go out the front door?

A The same way we went in.

Q Out the window?

A Yes.

Q With the briefcase?

A With the briefcase.

Q And you walked back to the hotel?

A More or less yes.

Q Is this Santa Monica Boulevard, do you recall?

Is that the street?

A I am not familiar with it.

Q You arrived back at the hotel, and who takes charge of the briefcase with the film and the camera?

A Barker did it.

Q All right, you had taken a shower and you were instructed you had to go back to Miami. What did you do then?

A We three called a cab and went to the airport and took the first plane back to Miami.

Q In the early morning hours of the day you committed this burglary; is that true?

A Yes.

Q How long did you wait in the airport for a flight?

A I would say thirty minutes or something like that.

Q Had you made the flight before you went to the airport? I mean, when you went to Los Angeles, did you know what plane you were taking back?

A I didn't pay too much attention to that. I believe Barker took care of that.

Q What names did you use in the airline to purchase tickets?

A Well, we had round-trip tickets.

Q When you bought the tickets in Miami, what names did you buy them under?

A I don't remember.

Q Fictitious names?

A NO.
Who paid for the airline tickets?

A I don't know. I believe it was Barker.

Q You didn't pay for it?

A No, I didn't.

Q Did you pay for your hotel room?

A No, I didn't pay for anything.

Q What compensation did you receive from anyone for this job that you went out to California to do?

A Well, the only compensation that I tried to receive was help in the future, because we were working for the government, we were doing a great thing for the government, and we Cubans want compensation in helping us to do something against Castro after the election.

Q Did you meet anyone in Miami and/or California in relation to what I asked you about, other than Barker or Martinez?

A No, no.

Q Did Barker pay you any money, other than the airline tickets and your hotel bill?

A No.

Q Did he give you any money?

A No.

Q Did anyone give you any money?

A No.

Q Did you receive any money at a future date?

A No. There is no money in the world for that.
I only do that for --

Q I'm not questioning your motives; I'm trying to restrict it to you got paid or didn't get paid.

A I did not get paid.

operation of G. Gordon Liddy (phonetic) connected with this

No.

Q The only name that was told you was heading up this group was Howard Hunt?

A Yes.

Q Have you ever met with G. Gordon Liddy?

A No.

Q Have you ever met with Howard Hunt from 1971 on?

A No.

Q Was John McCord (phonetic) connected with this operation in any way?

A I don't know. I never saw him.

Q Of your personal knowledge.

A As far as I know, I never saw him; I never heard about it.

Q All right, you get on an early morning flight. Was it National Airlines again, Felipe?

A I think so.

Q You returned to Miami, and did Barker bring the briefcase with him to Miami?

A No.

Q What did he do with it?

A I don't know. I never saw it again.

Q He had a different room than you at the hotel?

A No, we were in the same room.

Q When you returned from the burglary at Fielding's office, did Barker meet with anyone?

A I don't know, because, as I told you, I took a shower. because we went to our room and then I went to the

saying?

A Right.

Q You returned then about 2:00 o'clock in the morning, and Barker has the briefcase?

A Right.

Q He then leaves the hotel room; is that what you're saying, with the briefcase?

A Yes, because I didn't see him in the bedroom. I saw him when I finished, he was back, and he said, "We're in a hurry; we have to go back to Miami."

Q What I'm saying is you all three returned to the hotel?

A Right.

Q And at some point Barker leaves you; is that correct?

A Right.

Q How quickly after he got back to the hotel; how soon did he leave?

A He didn't -- I mean, it wasn't a long period of time. More or less what it took me to take a shower, you see.

Q By that time he's back in the room?

A Right.

Q Did he ever tell you he met with anyone in the hotel?

A No, he said we just did our part and now we have to go back to Miami.

Q Working for this group you described earlier in your testimony, did you carry on any operations for them locally, in the State of Florida?

A No, sir.

Q Nothing in connection with the Republican National Convention?

A No, I didn't.

Q No burglaries or breaking into offices?

A No, sir.

(Thereupon the testimony was concluded.)

5/11/73 EJS

UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Attorney General
Criminal Division

DATE: May 11, 1973

FROM : Acting Director, FBI

SUBJECT: U.S. vs ANTHONY JOSEPH RUSSO, JR., 70 HP 1117
AND DANIEL ELLSBERG

TREAT AS
MEMO FROM
ACTING DIRECTOR

NOT SENT
TENN

Recent press reports state that U.S. Marine Corps Commandant, General Robert E. Cushman, Jr., former Deputy Director of the Central Intelligence Agency (CIA), was the individual within CIA who made available to E. Howard Hunt CIA materials used during the burglary of the office of Daniel Ellsberg's psychiatrist in California. General Cushman has reportedly cut short a European trip to return to the U.S. to give an affidavit to the Department of Justice, to testify before a Grand Jury, and before Congressional committees.

This Bureau has not interviewed General Cushman in this matter. It is requested that copies of the affidavit or any testimony of General Cushman received by the Department in this matter be made available to this Bureau to assist in our investigation into the facts surrounding the burglary of the office of Daniel Ellsberg's psychiatrist.

65-74060

A copy of General Cushman's affidavit has been supplied

to me at 2 PM 5/11/73 and

is attached hereto.

CDP

ENCLOSURE

REC 107.

18 MAY 23 1973

79 MAY 24 1973



FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 9, 1973

[REDACTED] Washington Field Office, advised that he is assigned to the duty of monitoring telephone surveillances (wiretaps) maintained by the Washington Field Office and was so assigned in 1969 and 1970. [REDACTED] recalled that he monitored a telephone surveillance on a Dr. Morton Halperin, who was employed at the National Security Council. [REDACTED] said that Dr. Halperin appeared to be a close friend of a Daniel Ellsberg as Ellsberg on occasion stayed at Halperin's house overnight. He believes this was in late 1969 or early 1970. [REDACTED] does not recall any details relating to Ellsberg's visits with Halperin or in conversations Halperin might have had with other individuals contacting him by phone concerning Ellsberg.

[REDACTED] was unable to recall when the telephone surveillance on Halperin was originally placed or when it was discontinued.

Interviewed on May 7, 1973 at Washington, D. C. File # _____
by [REDACTED] Date dictated May 9, 1973

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 10, 1973

[redacted] was interviewed by [redacted] on May 9, 1973. At the onset of the interview [redacted] was advised that he was being contacted regarding his review of very sensitive material pertaining to the national security telephone surveillance, which was in effect during the period 1969 through early Spring, 1971.

[redacted] advised that during the above period he was employed by the FBI in the Domestic Intelligence Division (DID) as a supervisor and did handle a very sensitive National Security Council telephone surveillance for Assistant Director W. C. Sullivan. [redacted] said that he was told by Mr. William C. Sullivan that this telephone surveillance was being conducted with the approval of the Attorney General and Mr. J. Edgar Hoover.

He advised that in June of 1971 as best he can recall he received instructions from Assistant Director W. C. Sullivan to review all of the material that was gathered pertaining to this telephone surveillance to determine whether or not Daniel Ellsberg either received any telephone calls or made any telephone calls that were recorded during the period of the National Security Council telephone surveillance.

[redacted] advised he specifically recalls that there were no telephone calls either made by, received by Mr. Ellsberg or calls in which Mr. Ellsberg in any way participated in the surveillance logs pertaining to this telephone surveillance. He advised he recalled that in one instance a call was made in which a person initiating a call mentioned the name of Daniel Ellsberg, and as best he could recall this was a situation where the caller was either going to a party sponsored by Mr. Ellsberg or a party in which Mr. Ellsberg would have been in attendance.

He said this review occurred sometime ago and although he remembered the incident of the party he could not be absolutely sure of the individual making the telephone call but it is his recollection that it was probably Dr. Morton Halperin.

Interviewed on May 9, 1973 at Washington, D. C.

File # _____

by _____

Date dictated _____

May 10, 1973

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. Mark Felt ✓

FROM : E.S. Miller EM

SUBJECT: ELLSBERG CASE

1 - Mr. Felt
1 - Mr. E.S. Miller

DATE: 5/21/73

1 - Mr. J.R. Wagoner

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

Pursuant to your request, the following is the sequence of events which transpired as a result of specific requests by Judge W. Matt Byrne, Jr., on 5/7/73, relating to the trial of Daniel Ellsberg.

On 5/7/73, the Los Angeles Office telephonically advised the Bureau that in regard to the Ellsberg trial, Judge Byrne had held in abeyance or ruled on certain motions filed by the Defense and had directed specific orders for production of certain material to the Government Prosecutor David Nissen. This telephonic data was followed by a confirming administrative-type teletype specifically outlining the Judge's orders to Nissen.

In the absence of a request from the Department of Justice relative to the requirements levied on Departmental Attorney Nissen which concerned the FBI, Inspector W.R. Wannall attempted to contact Deputy Assistant Attorney General Kevin T. Maroney on 5/8/73. Maroney was unavailable until approximately 5 p.m. on 5/8/73, at which time the requests of Judge Byrne levied upon the Department were discussed with Maroney.

There were nine requirements, some of which had already been handled by the FBI leaving only three which required FBI response. These three were:

(1) Affidavit of Egil Krogh stated that the existence of a special unit in the White House was known and agreed to by Mr. Hoover and confirmed by Mr. Hoover in a memorandum. Judge Byrne wanted Mr. Hoover's memorandum.

(2) That an ELSUR check be made on Ellsberg's Attorney's law partner Victor Rabinowitz dating back to 12/1/70 (This request was expanded orally by Departmental Attorney

JRW:cae/clb

(4)

CONTINUED - OVER

REC-111

65-7466-4367

25 MAY 24 1973

67 MAY 24 1973

FILE
7

Memorandum to Mr. Felt
Re: Ellsberg Case

John Martin on 5/7/73, confirmed by letter from Assistant Attorney General, Criminal Division, on 5/8/73, to include an update of ELSUR checks on Ellsberg and Anthony J. Russo, Jr., as well as certain other individuals in a court order dated 7/7/72.).

(3) Advise as to the method by which Bureau files regarding the Ellsberg Case were made available to the White House.

With respect to the above-mentioned, enumerated items, the following action was taken:

Item (1) Hoover Memorandum

By letter dated 5/9/73, addressed to Assistant Attorney General, Criminal Division, there was attached a Xerox copy of a letter from President Nixon to former Director Hoover dated 7/29/71, which advised Hoover that Egil Krogh had been directed to examine in depth the circumstances of the many recent disclosures of top secret and other sensitive material to the public. In order to assist Mr. Krogh, the President requested that all information acquired to date, including individual reports of interviews, with respect to certain persons named on an attachment to the President's letter be furnished to Krogh together with a comprehensive background paper on Ellsberg. In addition, the letter requested that Krogh be provided with such information or investigation as he, Krogh, might request in the future. Also, attached to this letter was a Xerox copy of a letter from former Director Hoover dated 8/2/71, which replied to the President's letter. This letter acknowledged the receipt of the President's letter requesting certain information for Krogh and stated that the information was being compiled and would be furnished expeditiously to Mr. Krogh in accordance with the President's request.

The aforementioned letter, which was stamped into the Acting Director's Office at 5:06 p.m. on 5/9, was never transmitted outside the Bureau; however, the attachments were furnished the Criminal Division on 5/15/73, by Mr. Carl Eardley of the Acting Director's Office.

Memorandum to Mr. Felt
Re: Ellsberg Case

Item (2) ELSUR Check

During the morning of 5/8/73, a check of the special indices of FBI Headquarters was undertaken and completed relative to Rabinowitz - Ellsberg - Russo and those individuals named in the court order of 7/7/72. Teletypes to pertinent offices were dispatched on 5/8/73, requesting those offices to check their indices. As a result of a telephonic request from the Department, all of the offices receiving aforementioned teletypes were telephonically contacted for results of the checks. All of these checks were negative with respect to the required time frame, and the Department was so advised by telephone on 5/9/73. Subsequent thereto, on 5/9/73, it was ascertained through an investigation being conducted by the Inspection Division that Daniel Ellsberg had been overheard on a wiretap of ██████████ *MoA to A* ██████████ sometime between 1969 and 6/71. Accordingly, the Department was telephonically contacted and advised that recent developments negated the negative checks previously referred to and that inquiries were being made, and the Department would be advised as soon as possible.

By letter dated 5/9/73, directed to Assistant Attorney General, Criminal Division, and stamped into the Acting Associate Director's Office at 4:46 p.m. on 5/9, the Department was advised of all information then in possession of the FBI relative to its written and oral request on 5/8/73. Later in the afternoon of 5/9/73, while the above-mentioned letter was being processed through Bureau channels, it was learned that additional information had been ascertained by the Inspection Staff pertinent to the Department's inquiry, namely, the results of an interview of former FBI Agent Bernard Wells.

Accordingly, on 5/10/73, a letter was directed to the Assistant Attorney General, Criminal Division, referencing the letter of 5/9/73, and updating the material to include information supplied by Wells. This was stamped in the Acting Director's Office at 12:37 p.m. on 5/10/73. However, neither of the aforementioned letters was sent to the Department.

Memorandum to Mr. Felt
Re: Ellsberg Case

On 5/11/73, a letter was directed to the Assistant Attorney General, Criminal Division, which encompassed the material previously set forth in aforementioned letters dated 5/9/73, and 5/10/73. This letter was stamped into the office of Assistant Director E.S. Miller at 10:55 a.m. on 5/11/73. At that time, the information available to Mr. Miller made this letter outdated; and, therefore, it was not further forwarded through Bureau channels.

Item (3) Method Bureau Files Made Available to White House

A letter dated 5/10/73, directed to the Assistant Attorney General, Criminal Division, attached a letterhead memorandum outlining and specifically delineating the method by which results of FBI investigation in the Ellsberg Case were made available to the White House.

OBSERVATIONS:

The foregoing outlines the sequence of events and attempts by the Intelligence Division as known at that time to answer the inquiries of Judge Byrne. The only data apparently supplied the court was a brief memorandum from the Acting Director dated 5/9/73, concerning the "ongoing investigation" of electronic surveillance possibly relevant to the Ellsberg Case. This memorandum was provided the Assistant Attorney General, Criminal Division, by the Acting Director, FBI, with the recommendation that the memorandum be made immediately available to the court inasmuch as this memorandum made reference to a preliminary report received by the Acting Director on the night of 5/8/73, indicating that an FBI employee recalled that in late 1969 and in early 1970 Ellsberg had been overheard talking from an electronic surveillance of [REDACTED] The memorandum noted, however, that the investigation was not complete and that further facts bearing upon the wiretap might be uncovered.

In connection with Judge Byrne's ruling on dismissal, it should be noted that he made reference to the fact that, "After the original indictment, at a time when the Government's rights to investigate the defendants are narrowly circumscribed, White House officials established a special

Memorandum to Mr. Felt
Re: Ellsberg Case

unit to investigate one of the defendants in this case. The special unit apparently operated with the approval of the FBI, the Agency officially charged with the investigation of this case.

"Within the last 48 hours, after both sides had rested their case, the Government revealed interception by electronic surveillance of one or more conversations of defendant Ellsberg. The Government can only state and does only state the interception or interceptions took place. Indeed, the Government frankly admits that it does not know how many such interceptions took place or when it took place or between whom they occurred or what was said. We only know that the conversation was overheard during a period of the conspiracy as charged in the indictment."

The foregoing, as well as the Government's failure to respond, were among the bases for the Judge's dismissal of the charges in the Ellsberg Case at 2:05 p.m. Los Angeles time (5:05 p.m., Washington, D.C., time), 5/11/73.

ACTION:

None. For information.

IRW

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EM

life

W.F.

THIS SHOULD BE
PART OF THE
PERMANENT RECORD

Mr. Richard Burke
Deputy Assistant Attorney General
Criminal Division

May 15, 1973

Carl Eardley
Federal Bureau of Investigation

U. S. v. Anthony Joseph Russo, Jr.
and Daniel Ellsberg

For your files per our conversation.

Attachment

CE:amc
(3)

CH

SENT FROM D. O.	
TIME	4:50 pm
DATE	5/15/73
BY	amc

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

MAIL ROOM ☐ TELETYPE UNIT ☐

August 2, 1971

BY LIAISON

The President
The White House
Washington, D. C.

Dear Mr. President:

I have received your letter of July 20, 1971, which requested certain information for Mr. Egil Krogh relative to our continuing investigation of Daniel Ellsberg, as well as information regarding individuals of interest to Mr. Krogh in his examination of the circumstances of many recent disclosures of Top Secret and other sensitive material to the public.

The information is being compiled and will be furnished expeditiously to Mr. Krogh in accordance with your request.

Sincerely yours,

UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Attorney General
Criminal Division

DATE: May 9, 1973

FROM : Acting Director, FBI

SUBJECT: U.S. vs ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG

There have been press reports stating that former Director J. Edgar Hoover of this Bureau was aware of and agreed to the establishment of a special unit at The White House to investigate the unauthorized disclosure of classified documents known as the "Pentagon Papers."

Attached is a xerox copy of a letter from President Richard M. Nixon to former Director Hoover, dated July 29, 1971. Also attached is a xerox copy of a letter from former Director Hoover, dated August 2, 1971, in reply to the President's letter. It is requested that the attached letters be made available to Judge W. Matt Byrne, Jr., at Los Angeles, California.

Enclosures 2

*Documents sent
to Crim. Div. on
5/12. for their files
CE*



Assistant Attorney General
Criminal Division

1 - Mr. Eardley
1 - Mr. R. E. Gebhardt
1 - Mr. E. S. Miller

May 9, 1973

Acting Director, FBI

1 - Mr. W. R. Wannall
1 - Mr. J. R. Wagoner

U.S. vs ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG

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Enclosures 2

LEB:mlr
(8) *mlr*

NOTE:

Press reports, mentioned above, are emanating from the release of the affidavit given by Mr. Egil Krogh, Jr., former Special Assistant to the President.

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baize _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

MAIL ROOM ☐

TELETYPE UNIT ☐

ROUTE IN ENVELOPE

CODE

TELETYPE

URGENT

5/25/73

TO SAC LOS ANGELES

FROM ACTING DIRECTOR, FBI

1 - Mr. Eardley
1 - Mr. J.R. Wagoner

MC LEK CI-3.

REURTEL 5/10/73.

ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, BY LETTER DATED 5/24/73 ADVISED THE LOS ANGELES COUNTY DISTRICT ATTORNEY'S FOLLOWING OFFICE IS IN POSSESSION OF/DISCLOSURES MADE BY JUDGE BYRNE DURING TRIAL OF ELLSBERG. FD-302S RE INTERVIEWS OF JOHN EHRLICHMAN DATED 4/30 AND 5/1/73 (THESE WERE THE ONLY INTERVIEWS CONDUCTED OF EHRLICHMAN BY FBI); AFFIDAVIT OF EGIL KROGH DATED 5/4/73; 37 PAGES OF GRAND JURY TESTIMONY ON 5/2/73 OF E. HOWARD HUNT; AND BEVERLY HILLS POLICE DEPARTMENT REPORT DATED 9/4/71 AS WELL AS INTERVIEW OF PHILIPPE DE DIEGO.

ACCORDING TO ASSISTANT ATTORNEY GENERAL THE DISTRICT ATTORNEY'S OFFICE HAS BEEN ORALLY ADVISED THAT DAVID YOUNG, JOHN DEAN AND E. HOWARD HUNT, JR. REFUSED TO BE INTERVIEWED BY FBI. IN THE EVENT THE DISTRICT ATTORNEY'S OFFICE INQUIRES RE FBI INTERVIEW OF G. GORDON LIDDY, AS INDICATED IN RETEL, YOU ARE AUTHORIZED

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Girdle _____
Mr. Holloman _____

JRW:wmc
(4)

REC-102

65-74000-4310
11 MAY 29 1973
MAY 25 1973

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 25 1973

TELETYPE

TELETYPE UNIT ☐

WGC EM 102 LICE
HITTE
ROUTE IN ENVELOPE

84 JUN 7 1973

w/ral

Dun

TELETYPE TO SAC, LOS ANGELES
RE: MC LEK CI-3

TO ADVISE THAT LIDDY ALSO REFUSED TO BE INTERVIEWED BY FBI.

YOU ARE AUTHORIZED TO FURNISH THE LOS ANGELES COUNTY
DISTRICT ATTORNEY'S OFFICE COPIES OF FD-302S DELETING ANY
FBI ADMINISTRATIVE MARKINGS DEEMED NECESSARY OF FBI INTERVIEWS
WITH EFRAIN JUAREZ-MARTINEZ AND MARIA JUAREZ-MARTINEZ.

F B I

Date: 5/22/73

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

Mr. Ecker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Sayers	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Herwig	_____
Mr. Mintz	_____
Mrs. Neenan	_____

TO: ACTING DIRECTOR, FBI (65-74060) ATTENTION:
FROM: SAC, WFO (65-11613)(P) INTELLIGENCE DIVISION

MC LEK

Enclosed for the Bureau are five copies and for Los Angeles two copies of an LHM setting forth an interview with Mr. ANTHONY A. LAPHAM, Attorney for Mr. DAVID YOUNG.

It is noted that YOUNG or his attorney have been contacted three times in an effort to interview YOUNG. It would appear that YOUNG is not going to be made available for interview; therefore, WFO is not making any further effort to interview YOUNG, UACB.

2 cc encls to ARB
2 cc encls to AT & 706 & D

REC-102

11 MAY 29 1973

ENCLOSURE

- 2- Bureau (Enc. 5)
- 2- Los Angeles (105-27952)(Enc. 2)
- 2- WFO
- (1- 139-166)

WFM:ljs
(6)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20535
May 22, 1973

*In Reply, Please Refer to
File No.*

DANIEL ELLSBERG;
ANTHONY JOSEPH RUSSO, JR.

This memorandum reports an interview on May 11, 1973 at Washington, D. C. with Mr. Anthony A. Lapham, Attorney for Mr. David Young, regarding the availability of Mr. Young for an interview by Special Agents of the Federal Bureau of Investigation.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE

65-74660-2

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/16/731

Mr. ANTHONY A. LAPHAM, Attorney, 735 15th Street, N.W., Washington, D. C., telephonically advised that he represents Mr. DAVID YOUNG.

Mr. LAPHAM stated that due to the complex nature of the so-called Watergate and ELLSBERG cases, he has not had sufficient time to research the known facts as to how they concern his client, Mr. YOUNG.

He and Mr. YOUNG are presently conferring with Mr. EARL SILBERT, the Principal Assistant United States Attorney who is handling presentation of witnesses to the Federal Grand Jury at Washington, D. C., concerning the Watergate matter.

In view of this, he does not feel it would be proper to subject Mr. YOUNG to an independent FBI interview at the present time.

Interviewed on 5/11/73 at Washington, D. C. File # WFO 65-11613

by [REDACTED] SS [REDACTED] Date dictated 5/15/73

- 2* -

Assistant Attorney General
Criminal Division

Acting Director, FBI

1 - Mr. Eardley
1 - Mr. E.S. Miller
1 - Mr. Wannall
1 - Mr. Wagoner May 7, 1973

UNITED STATES vs ANTHONY J. RUSSO, JR.
AND DANIEL ELLSBERG

Reference is made to the affidavit prepared by Egil Krogh, Jr., on May 4, 1973, which was presented to the Department of Justice for submission to the U.S. District Court, Southern District of California, in connection with the alleged burglary of the office of Daniel Ellsberg's psychiatrist.

On May 4, 1973, Agents of the Washington Field Office met with Mr. Krogh in the presence of his attorney, William M. Treadwell, for the purpose of interviewing Mr. Krogh relative to the burglary of the office of Ellsberg's psychiatrist. On this occasion Agents were advised of the affidavit being submitted by Mr. Krogh who stated that if there were any additional questions concerning the incident they should be deferred until the affidavit had been received by the U.S. District Court in Los Angeles.

Based on the information set forth in the affidavit, it is requested that this Bureau be advised if investigation is desired in an effort to identify those individuals connected with the Central Intelligence Agency (CIA) who lent support to the alleged activities of G. Gordon Liddy and E. Howard Hunt as well as the extent of the support rendered.

It is also requested that this Bureau be advised if investigation is desired relative to the identification of and subsequent interview of the person or persons in the Department of Justice who apparently received films and a camera belonging to the CIA used in connection with the alleged burglary of Ellsberg's psychiatrist.

With regard to the above, you are referred to item numbered _____ in the affidavit provided by Mr. Krogh.

MAILED 2

MAY 30 1973

FBI

JRW:mah (7)

see note page 2

8 MAY 24 1973

ROUTE IN ENVELOPE

MAIL ROOM ☐

TELETYPE UNIT ☐

Felt _____
Baker _____
Callahan _____
Cleveland _____
Conrad _____
Gebhard _____
Jenkins _____
Marshall _____
Miller, E.S. _____
Soyars _____
Thompson _____
Walters _____
Tele. Room _____
Baise _____
Barnes _____
Bowers _____
Herington _____
Conny _____
Mintz _____
Eardley _____
Hogan _____

Assistant Attorney General
Criminal Division

NOTE:

In the affidavit prepared by Egil Krogh on 5/4/73 he advised that photographs of Ellsberg's psychiatrist's office were taken during a preliminary casing of the area looking toward the alleged burglary. These films were brought back to Washington, D.C., by Hunt and Liddy and according to Krogh the films and the camera which belonged to the CIA were transmitted to the Department of Justice.

1 - Mr. Eardley
1 - Mr. E. S. Miller
1 - Mr. J. R. Wagoner

Assistant Attorney General
Criminal Division

May 24, 1973

Acting Director, FBI

REC-102

U. S. vs ANTHONY JOSEPH RUSSO, JR., et al.

Reference is made to this Bureau's letter dated May 2, 1973, confirming the authorization by Deputy Assistant Attorney General Kevin T. Maroney for the FBI to interview David Young of The White House. Copies of FD-302s were subsequently furnished to Mr. Maroney setting forth the results of a contact of Young on May 3, 1973, and a contact of Young's Attorney, Anthony A. Lapham, on May 5, 1973.

Enclosed are two copies of a memorandum and an FD-302 setting forth the results of a contact of Mr. Lapham on May 11, 1973, relative to our most recent attempt to interview Young.

The Washington Field Office of the FBI has not received further contact from Mr. Lapham and it would therefore appear that Young is not going to be made available for interview. Accordingly, no further attempts will be made to interview Young in the absence of a specific request from the Department.

Enclosures - 4

JRW:wmc/bl
(6)

NOTE: During the latter part of 4/73 we received a request from the Department to interview John Ehrlichman and John W. Dean, III, both at that time still connected with The White House, in an effort to obtain information concerning the burglary of the office of Daniel Ellsberg's psychiatrist. Based on information obtained from Ehrlichman, WFO recommended additional interviews including Young since it appeared he could be in possession of pertinent information. WFO's recommendation was brought to the attention of Mr. Maroney on 4/30/73 who authorized our interview of Young together with other individuals.

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Hoxington _____

ROUTE IN ENVELOPE

**Assistant Attorney General
Criminal Division**

Young was contacted on 5/3/73 advising he had learned he was being subpoenaed to appear before the Grand Jury hearing the Watergate case and therefore did not feel he should be interviewed by the FBI until completion of his appearance before the Grand Jury.

On 5/5/73 Young's attorney was contacted who stated he had been in touch with Assistant U.S. Attorney Earl Silbert and had obtained a delay for Young's appearance before a Grand Jury until 5/8/73. He requested he be contacted during the week of 5/7/73 as to the final decision for availability of Young for interview.

FBI

Date: 5/18/73

Transmit the following in PLAIN
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO: ACTING DIRECTOR, FBI
FROM: SAC, LOS ANGELES (65-NEW)
SUBJECT: ANONYMOUS LETTER
RECEIVED BY
SANTA MONICA POLICE DEPARTMENT
REGARDING CONFIDENTIAL INFORMATION
AT SANTA MONICA LIBRARY
5/14/73
SANTA MONICA, CALIFORNIA
ESP - X

The following anonymous letter was received by the Santa Monica, California Police Department on 5/14/73 and forwarded to the Los Angeles Division:

"It amuses me and might interest you to know that with all of the rhetoric concerning the so called 'Pentagon Papers' and the part that Mr. Ellsberg and Mr. Russo are alleged to have played in their disclosure, additional true pentagon papers are even now being transmitted here in Santa Monica.

"These pentagon papers are placed between pre-arranged pages of books in the Main Santa Monica Library.

"There the intended recipient picks them up.

"I am sure that these papers do not originate at the Rand Corporation. Rand's 'Think Tank' is, however, close to the Santa Monica Library.

2 - Bureau (RM)
1 - Los Angeles
NM/mlh
(3)

Approved: _____ Sent: _____ M Per: _____
Special Agent in Charge

84 JUN 7 1973

U.S. Government Printing Office: 1972 - 455-574

LA 65-NEW

"It is possible that these pentagon papers are inserted in specified books under the 'P' Index.

"Since it is now customary to jail one who will not disclose his source of information, I choose to take the logical precaution of not revealing myself."

It is the opinion of this Division that the above is a result of the recent publicity concerning the "MC LEK" case of which Los Angeles is Office of Origin. No action being taken by Los Angeles and this is being furnished for the information of the Bureau.

5/18/73

PLAIN

AIRTEL

AIR MAIL

TO: ACTING DIRECTOR, FBI
FROM: SAC, LOS ANGELES (65-NEW)
SUBJECT: ANONYMOUS LETTER
RECEIVED BY
SANTA MONICA POLICE DEPARTMENT
REGARDING CONFIDENTIAL INFORMATION
AT SANTA MONICA LIBRARY
5/14/73
SANTA MONICA, CALIFORNIA
ESP - X

CARBON COPY

The following anonymous letter was received by the Santa Monica, California Police Department on 5/14/73 and forwarded to the Los Angeles Division:

"It amuses me and might interest you to know that with all of the rhetoric concerning the so called 'Pentagon Papers' and the part that Mr. Ellsberg and Mr. Russo are alleged to have played in their disclosure, additional true pentagon papers are even now being transmitted here in Santa Monica.

"These pentagon papers are placed between pre-arranged pages of books in the Main Santa Monica Library.

"There the intended recipient picks them up.

"I am sure that these papers do not originate at the Rand Corporation. Rand's 'Think Tank' is, however, close to the Santa Monica Library.

2 - Bureau (RM)
1 - Los Angeles
NM/mlh
(3)

Assistant Attorney General
Criminal Division

May 11, 1973

Acting Director, FBI

U.S. vs ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG

Recent press reports state that U.S. Marine Corps Commandant, General Robert E. Cushman, Jr., former Deputy Director of the Central Intelligence Agency (CIA), was the individual within CIA who made available to E. Howard Hunt CIA materials used during the burglary of the office of Daniel Ellsberg's psychiatrist in California. General Cushman has reportedly cut short a European trip to return to the U.S. to give an affidavit to the Department of Justice, to testify before a Grand Jury, and before Congressional committees.

This Bureau has not interviewed General Cushman in this matter. It is requested that copies of the affidavit or any testimony of General Cushman received by the Department in this matter be made available to this Bureau to assist in our investigation into the facts surrounding the burglary of the office of Daniel Ellsberg's psychiatrist.

65-74060

65-74060-452
ENCLOSURE

1 - Mr. Eardley
1 - Mr. Jacobson
1 - Mr. E. S. Miller

Assistant Attorney General
Criminal Division

May 10, 1973

1 - Mr. J. R. Wagoner

Acting Director, FBI

U.S. vs ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG
ELECTRONIC SURVEILLANCE

Reference is made to my letter dated May 9, 1973, which set forth information regarding overhears of Daniel Ellsberg obtained from a national security wiretap on Dr. Morton Halperin during the period between 1969 and about June, 1971.

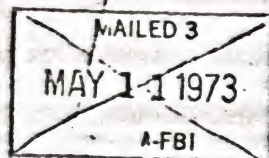
In addition to the information set forth in referenced letter, our inquiries have revealed that in about June, 1971, [redacted] reviewed the then existing material pertaining to the electronic surveillance for any information indicating that Daniel Ellsberg had been overheard. This review was conducted by [redacted] at the instructions of former Assistant Director W. C. Sullivan.

Attached is a copy of the FD-302 which sets forth the statements of [redacted]. In light of these statements, it would appear the actual overhears referred to in referenced letter were so insignificant that no record of the overhears was made.

65-74060

Enclosure

JRW:mlr
(7)



NOTE:

Assistant Attorney General, Criminal Division, by letter dated 5/8/73, requested an updating of electronic surveillance checks be made of certain individuals listed in an order of U.S. District Court, Central District of California, dated 7/7/72, as amended. This court order was issued in connection with the trial of Daniel Ellsberg and

NOTE CONTINUED PAGE TWO

Mail Room ☐

ROUTE IN ENVELOPE

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Goldhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baine _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

Assistant Attorney General
Criminal Division

NOTE (CONTINUED)

Anthony Joseph Russo, Jr. In addition to the Department's letter, an oral request was made by Departmental Attorney John Martin for an electronic surveillance check on Victor Rabinowitz for the period 12/1/70 to the present. Rabinowitz is law partner of Leonard B. Boudin, Daniel Ellsberg's attorney, who has joined the defense team.

The Inspection Division has been conducting interviews of FBI employees who could be knowledgeable of certain national security wiretaps that were in effect between 1969 and about June, 1971. The records pertaining to these wiretaps have reportedly been destroyed. Information supplied by [REDACTED] is being furnished the Department since it is pertinent to the Ellsberg trial and the court order.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 10, 1973

[redacted] was interviewed by [redacted] on May 9, 1973. At the onset of the interview [redacted] was advised that he was being contacted regarding his review of very sensitive material pertaining to the national security telephone surveillance, which was in effect during the period 1969 through early Spring, 1971.

[redacted] advised that during the above period he was employed by the FBI in the Domestic Intelligence Division (DID) as a supervisor and did handle a very sensitive telephone surveillance for Assistant Director W. C. Sullivan. [redacted] said that he was told by Mr. William C. Sullivan that this telephone surveillance was being conducted with the approval of the Attorney General and Mr. J. Edgar Hoover.

He advised that in June of 1971 as best he can recall he received instructions from Assistant Director W. C. Sullivan to review all of the material that was gathered pertaining to this telephone surveillance to determine whether or not Daniel Ellsberg either received any telephone calls or made any telephone calls that were recorded during the period of the telephone surveillance.

[redacted] advised he specifically recalls that there were no telephone calls either made by, received by Mr. Ellsberg or calls in which Mr. Ellsberg in any way participated in the surveillance logs pertaining to this telephone surveillance. He advised he recalled that in one instance a call was made in which a person initiating a call mentioned the name of Daniel Ellsberg, and as best he could recall this was a situation where the caller was either going to a party sponsored by Mr. Ellsberg or a party in which Mr. Ellsberg would have been in attendance.

He said this review occurred sometime ago and although he remembered the incident of the party he could not be absolutely sure of the individual making the telephone call but it is his recollection that it was probably Dr. Morton Halperin.

Interviewed on May 9, 1973 at Washington, D. C. File # _____
by [redacted] Date dictated May 10, 1973

Assistant Attorney General
Criminal Division

May 9, 1973

Acting Director, FBI

1 - Mr. Eardley
1 - Mr. Jacobson
1 - Mr. E. S. Miller
1 - Mr. Wagoner

UNITED STATES VS.
ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG
ELECTRONIC SURVEILLANCE

Reference is made to your letter dated May 8, 1973, and the oral request of Departmental Attorney John Martin for an updating of electronic surveillance information regarding Daniel Ellsberg, Anthony Joseph Russo, Jr., and certain individuals listed in an order of the U.S. District Court, Central District of California, dated July 7, 1972, as amended. In addition to the individuals listed in the aforementioned court order, Mr. Martin requested electronic surveillance information relative to Victor Rabinowitz dated from December 1, 1970. Reference is also made to letters from this Bureau dated July 20, 1972; August 17, 1972; and February 21, 1973 which set forth results of prior electronic surveillance checks in this matter.

Our records reveal that none of the individuals listed in the above-mentioned court order or Victor Rabinowitz have been the subjects of direct electronic coverage other than those instances previously described in referenced letters and Daniel Ellsberg, for the time periods listed in the court order and subsequently up to May 9, 1973. The time period checked for Victor Rabinowitz was from December 1, 1970, to May 9, 1973.

Our records further reveal that no premises in which the aforementioned individuals were known to have had a proprietary interest have been subjects of electronic surveillance by this Bureau.

The FBI has not requested any electronic surveillances be conducted by any state or local governmental agency, private parties, corporations, or companies of the above-described individuals for the time periods indicated. In addition, no electronic surveillances have been conducted by such agencies in cooperation with or in conjunction with the FBI or conducted by such entities within the knowledge of the FBI during the same time period.

JRW:bjr

(7)

EM SEE NOTE PAGE FOUR

IN ENVELOPE

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baine _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herrington _____
Mr. Conny _____
Mr. Mintz _____

**Assistant Attorney General
Criminal Division**

At no time during the FBI's investigation of the "Pentagon Papers" case, including the publication of such papers in "The New York Times" and other newspapers, were any electronic surveillances conducted by the FBI in connection with the overall investigation of those disclosures.

With specific reference to Dr. Morton Halperin and Daniel Ellsberg, it is to be noted that although no record currently exists in the files of the FBI concerning an electronic surveillance of Dr. Morton Halperin and Daniel Ellsberg, a special inquiry conducted relative to articles appearing in the news media to the effect that the FBI had maintained wiretaps on newsmen and White House staff members has revealed that the FBI did maintain a national security wiretap on Dr. Morton Halperin between 1969 and about June, 1971. This inquiry also revealed that during the time the wiretap was maintained on Dr. Halperin, conversations of Daniel Ellsberg were monitored.

Our inquiry revealed that in the early part of 1969 a national security wiretap was placed on Dr. Morton Halperin, at the specific request of the White House and with the express prior approval of the Attorney General, in an effort to identify the source of leaks of highly classified and sensitive national security data from the White House to the news media.

This wiretap was maintained from early 1969 until about the first of June, 1971. Because of the fact that every effort was being made to maintain the tightest possible security concerning investigation to identify the source of the leaks, all knowledge concerning the use of a wiretap on Dr. Halperin as an investigative measure was confined to essential personnel, and all records relating to the wiretap were kept in the protective custody of former Assistant to the Director William C. Sullivan.

Assistant Attorney General
Criminal Division

Subsequent to the discontinuance of the Halperin wiretap and subsequent to the retirement of Mr. Sullivan in the late Summer of 1971, it was discovered that all records relating to this wiretap which had been in Mr. Sullivan's custody had disappeared. Information was later developed that Mr. Sullivan had turned these records over to former Assistant Attorney General Robert C. Mardian, Internal Security Division of the Department of Justice. It is our understanding that these records were subsequently destroyed.

No records of the Halperin wiretap were maintained in the Washington Field Office for the security reasons listed above, and no information concerning it was entered into the general indices, special indices or electronic surveillance indices prior to the disappearance of the above-mentioned records from the FBI.

In order to comply with your request, exhaustive interviews have been conducted with FBI employees who might have been assigned to monitor or place wiretaps between 1969 and June, 1971, and three employees do recall monitoring a telephone surveillance maintained on Dr. Halperin. They also recall that during the time this telephone surveillance was monitored, they overheard conversations of Daniel Ellsberg. None of these employees recalled anything which would have a bearing on the FBI's investigation of the "Pentagon Papers" case or on the evidence used by the Government in this case.

FD-302's have been prepared concerning interviews of

[REDACTED] Washington Field Office, who were assigned to duty of monitoring electronic surveillances during the period from 1969 to mid-1971. Copies of these FD-302's are attached.

For your information the special inquiry referred to above did not reveal the existence of electronic surveillance on nor monitoring of conversations of any of the other individuals listed in the court order of July 7, 1972, or Victor Rabinowitz.

Enclosures - 3

65-74060

**Assistant Attorney General
Criminal Division**

NOTE:

The Departmental request is based on court order by Judge Byrne, Jr., United States District Court, Los Angeles, California, handling the Ellsberg case. Inquiry relating to news media allegations of wiretaps, the records of which have disappeared, has been conducted both by Intelligence Division and Inspection Division. FD-302's attached hereto are result of interviews by members of the Inspection Division.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 9, 1973

[REDACTED] Washington Field Office, advised that sometime beginning in mid-1969 he was assigned as a relief man or "swing man" in connection with the monitoring of a telephone surveillance (wiretap) of a Dr. Morton Halperin. [REDACTED] said that the only thing he can now recall concerning the telephone surveillance of Dr. Halperin is the fact that Halperin was a close associate of Daniel Ellsberg and that he conversed with Ellsberg in late 1969 and early 1970. [REDACTED] could not recall any details concerning conversations Halperin had with Ellsberg, nor could he recall the exact dates of these conversations. [REDACTED] did not know when the telephone surveillance on Halperin was first instituted, nor when it was discontinued.

Interviewed on May 7, 1973 at Washington, D. C. File # _____

by [REDACTED] Date dictated May 9, 1973

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 9, 1973

[redacted] Washington Field Office, advised that he was assigned to the Telephone Monitoring Section at the Washington Field Office in 1969, 1970, and until mid-1971. He recalled that during this period of time he had occasion to monitor a telephone surveillance being maintained on a Dr. Morton Halperin. [redacted] said that he recalls that on one occasion he saw another employee's log wherein an entry had been made that Daniel Ellsberg had stayed with Dr. Halperin over the weekend. During this visit Ellsberg made a call out of the Halperin residence to a now unrecalled individual in an effort to set up a pot-smoking party.

[redacted] could not recall anything else concerning this log entry, and that the only way he could fix a date to the call was that he believes this occurred before Halperin went to California to work at the Rand Corporation, which he thinks was in the Summer of 1970.

[redacted] said that the name of Daniel Ellsberg meant nothing to him at the time he observed the name on the log; however, his attention was directed to the information due to the fact a party was being planned to "smoke pot." [redacted] considered this to be an unusual occurrence, inasmuch as Dr. Halperin was a member of the White House staff.

[redacted] did not know when the telephone surveillance on Dr. Halperin was instituted or when it was discontinued.

Interviewed on May 9, 1973 at Washington, D. C. File # _____

by [redacted] Date dictated May 9, 1973

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 9, 1973

[redacted] Washington Field Office, advised that he is assigned to the duty of monitoring telephone surveillances (wiretaps) maintained by the Washington Field Office and was so assigned in 1969 and 1970. [redacted] recalled that he monitored a telephone surveillance on a Dr. Morton Halperin, who was employed at the National Security Council. [redacted] said that Dr. Halperin appeared to be a close friend of a Daniel Ellsberg as Ellsberg on occasion stayed at Halperin's house overnight. He believes this was in late 1969 or early 1970. [redacted] does not recall any details relating to Ellsberg's visits with Halperin or in conversations Halperin might have had with other individuals contacting him by phone concerning Ellsberg.

[redacted] was unable to recall when the telephone surveillance on Halperin was originally placed or when it was discontinued.

Interviewed on May 7, 1973 at Washington, D. C. File # _____
by [redacted] Date dictated May 9, 1973

~~SECRET~~
NO FOREIGN DISSEMINATION

Assistant Attorney General
Criminal Division

Acting Director, FBI

1 - Mr. Bardley
1 - Mr. E. S. Miller

May 11, 1973

1 - Mr. W. R. Wannall
1 - Mr. W. A. Harwood
1 - Mr. J. B. Wagoner

U.S. vs ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG
ELECTRONIC SURVEILLANCE

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF 5/11/73
DATE 5/11/73

Reference is made to the oral request of
Assistant U.S. Attorney David Nissen to Assistant Director
E. S. Miller of this Bureau for an electronic surveillance
check regarding Morton Halperin for the period of January 1,
1967, to May 10, 1973.

The following will confirm information orally
furnished to Departmental Attorney John Martin by [redacted]
on May 10, 1973.

The then Attorney General, John N. Mitchell,
authorized the coverages on September 12, 1969, and August 24,
1970. These authorizations included the pertinent dates of
the overhears and are maintained in the files of FBI Head-
quarters, Washington, D.C.

Copies of the logs and authorizations regarding
these overhears were previously transmitted to the Department
by letter dated April 27, 1973, in connection with a matter
captioned "Daniel Ellsberg; Et Al vs John N. Mitchell; Et Al,
District Court for the District of Columbia, Civil Action
Number 1879-72."

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gelbach _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Bates _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conroy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

JRW:mlr
(8)

~~SECRET~~
NO FOREIGN DISSEMINATION
Classified by [redacted]
Exempt from GDS, Category [redacted]
Date of Declassification Indefinite

SEE NOTE PAGE TWO


ROUTE IN ENVELOPE

MAIL ROOM ☐ TELETYPE UNIT ☐

~~SECRET~~
NO FOREIGN DISSEMINATION

Assistant Attorney General
Criminal Division

NOTE:


Telephonic request for information in instant letter based on order of U.S. District Court Judge W. Matt Byrne, Jr., Los Angeles, California, who is hearing Ellsberg trial.

With regard to prior communication to Department referred to in instant letter, Departmental Attorney Edward Christenburg, who is handling civil suit involving Daniel Ellsberg, was telephonically contacted regarding logs and authorizations previously furnished. He was able to locate same immediately and furnished copies to Departmental Attorney John Martin.

~~SECRET~~
NO FOREIGN DISSEMINATION

Assistant Attorney General
Criminal Division

May 11, 1973

Acting Director, FBI

1 - Mr. Eardley
1 - Mr. Jacobson
1 - Mr. E. S. Miller
1 - Mr. Wagoner

UNITED STATES VS.
ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG
ELECTRONIC SURVEILLANCE

Reference is made to your letter dated May 8, 1973, and the oral request of Departmental Attorney John Martin for an updating of electronic surveillance information regarding Daniel Ellsberg, Anthony Joseph Russo, Jr., and certain individuals listed in an order of the U.S. District Court, Central District of California, dated July 7, 1972, as amended. In addition to the individuals listed in the aforementioned court order, Mr. Martin requested electronic surveillance information relative to Victor Rabinowitz dated from December 1, 1970. Reference is also made to letters from this Bureau dated July 20, 1972; August 17, 1972; and February 21, 1973, which set forth results of prior electronic surveillance checks in this matter.

Our records reveal that Victor Rabinowitz was not the subject of an electronic coverage for the period from December 1, 1970, to May 9, 1973.

With the following exceptions our records reveal that none of the individuals listed in the above-mentioned court order have been the subjects of electronic coverage for the time periods listed in the court order and subsequently up to May 9, 1973: (1) The electronic coverage involving [REDACTED] as previously described in referenced letters; (2) As a result of recent interviews of FBI employees we have now learned that Daniel Ellsberg was overheard during 1969 and 1970 in connection with electronic coverage of [REDACTED]

Our records further reveal that no premises in which the aforementioned individuals were known to have had a proprietary interest have been the subjects of electronic surveillance by this Bureau for the time periods indicated.

JRW:bjr
(7)

SEE NOTE PAGE FOUR

ROUTE IN ENVELOPE

MAIL ROOM ☐

TELETYPE UNIT ☐

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conroy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

WFL
JRW

**Assistant Attorney General
Criminal Division**

The FBI has not requested any electronic surveillances be conducted by any state or local governmental agency, private parties, corporations, or companies of the above-described individuals for the time periods indicated. In addition, no electronic surveillances have been conducted by such agencies in cooperation with or in conjunction with the FBI or conducted by such entities within the knowledge of the FBI during the same time period.

At no time during the FBI's investigation of the "Pentagon Papers" case, including the publication of such papers in "The New York Times" and other newspapers, were any electronic surveillances conducted by the FBI in connection with the overall investigation of those disclosures.

With regard to the request of the District Court in the Ellsberg case for all information relating to the electronic surveillance of persons named in the District Court order of July 7, 1972, and later oral request relating to alleged electronic surveillance of newspapermen which might be relevant to the Ellsberg case, an investigation as you know has been undertaken but is not yet complete. At the present time our investigation disclosed the following:

(1) In the period 1969 to mid-1971 the FBI at the direction of the President and for national security reasons placed a number of persons under electronic surveillance for varying periods of time. Only one person named in the District Court order of July 7, 1972, was the subject of the surveillance, and that was Dr. Morton Halperin.

(2) There were no surveillances on newspapermen which have any bearing on the Ellsberg case.

(3) The surveillances mentioned above were conducted for varying periods of time.

**Assistant Attorney General
Criminal Division**

(4) Dr. Daniel Ellsberg was overheard on one or more occasions apparently during the time he was a house guest of Dr. Morton Halperin.


(5) The Agents conducting the surveillance of Dr. Halperin and who overheard Dr. Ellsberg do not recall hearing anything significant.

(6) No records have been found concerning this electronic surveillance program but the investigation as indicated has not yet been concluded.

(7) The records for this particular surveillance program because of security considerations were not maintained in the Washington Field Office but in the office of the Assistant to the Director William C. Sullivan.

(8) It is believed on present information that the records were at one time in the possession of the former Assistant Attorney General for Internal Security, Robert C. Mardian, but this information has not yet been checked out with Mr. Mardian. He will be interviewed.

(9) It is an Agent's recollection that authority for the wiretaps was given by Attorney General John Mitchell, but this information has not yet been checked out with Mr. Mitchell. He will be interviewed.

(10) FBI personnel most familiar with the electronic surveillance program described above are William C. Sullivan (retired),


(11) The electronic surveillances for national security reasons hereinabove described is the only such program undertaken by the FBI other than those authorized by the Attorney General and requested by the FBI.

Assistant Attorney General
Criminal Division

(12) The FBI did not communicate to the Department of Justice any information pertaining to the Ellsberg case based upon or in any way arising from the electronic surveillance program which has been described herein.

FD-302's have been prepared concerning interviews of [REDACTED]
[REDACTED] Washington Field Office, who were assigned to duty of monitoring electronic surveillances during the period from 1969 to mid-1971, as well as former [REDACTED] Copies of these FD-302's are attached.

Enclosures - 4

65-74060

NOTE:

The Departmental request is based on court order by Judge Byrne, Jr., United States District Court, Los Angeles, California, handling the Ellsberg case. Inquiry relating to news media allegations of wiretaps, the records of which have disappeared, has been conducted both by Intelligence Division and Inspection Division. FD-302's attached hereto are result of interviews by members of the Inspection Division.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 9, 1973

[REDACTED] Washington Field Office, advised that sometime beginning in mid-1969 he was assigned as a relief man or "swing man" in connection with the monitoring of a telephone surveillance (wiretap) of a Dr. Morton Halperin. [REDACTED] said that the only thing he can now recall concerning the telephone surveillance of Dr. Halperin is the fact that Halperin was a close associate of Daniel Ellsberg and that he conversed with Ellsberg in late 1969 and early 1970. [REDACTED] could not recall any details concerning conversations Halperin had with Ellsberg, nor could he recall the exact dates of these conversations. [REDACTED] did not know when the telephone surveillance on Halperin was first instituted, nor when it was discontinued.

Interviewed on May 7, 1973 at Washington, D. C. File # _____
by [REDACTED] Date dictated May 9, 1973

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 9, 1973

[redacted] Washington Field Office advised [redacted] that he was assigned to the [redacted] Field Office in 1969, 1970, and until mid-1971. He recalled that during this period of time he had occasion to monitor a telephone surveillance being maintained on a Dr. Morton Halperin. [redacted] said that he recalls that on one occasion he saw another employee's log wherein an entry had been made that Daniel Ellsberg had stayed with Dr. Halperin over the weekend. During this visit Ellsberg made a call out of the Halperin residence to a now unrecalled individual in an effort to set up a pot-smoking party.

[redacted] could not recall anything else concerning this log entry, and that the only way he could fix a date to the call was that he believes this occurred before Halperin went to California to work at the Rand Corporation, which he thinks was in the Summer of 1970.

[redacted] said that the name of Daniel Ellsberg meant nothing to him at the time he observed the name on the log; however, his attention was directed to the information due to the fact a party was being planned to "smoke pot." [redacted] considered this to be an unusual occurrence, inasmuch as Dr. Halperin was a member of the White House staff.

[redacted] did not know when the telephone surveillance on Dr. Halperin was instituted or when it was discontinued.

Interviewed on May 9, 1973 at Washington, D. C. File # _____

by [redacted]

Date dictated May 9, 1973

LA 65-NEW

"It is possible that these pentagon papers are inserted in specified books under the 'P' Index.

"Since it is now customary to jail one who will not disclose his source of information, I choose to take the logical precaution of not revealing myself."

It is the opinion of this Division that the above is a result of the recent publicity concerning the "MC LEK" case of which Los Angeles is Office of Origin. No action being taken by Los Angeles and this is being furnished for the information of the Bureau.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 25 1973

TELETYPE

NR 004 LA CODE

11:40 AM URGENT 5-25-73 SMA

TO ACTING DIRECTOR (65-74060)

ATTN: INTD

FROM LOS ANGELES (105-27952) 2P

MC LEK, SIO.

ON 5/25/73, DEPARTMENTAL ATTORNEY DAVID R. NISSEN REQUESTED ASSISTANCE OF TWO BUAGENTS COMMENCING 5/29/73, IN BUILDING AN INVENTORY OF ALL MATERIAL IN HIS POSSESSION RELATING TO THE TRIAL OF ELLSBERG AND RUSSO. THIS MATERIAL WOULD INCLUDE ALL INVESTIGATION REPORTS, ANALYSES, EXHIBITS CORRESPONDENCE, ETC., WHETHER USED OR NOT IN EITHER PREPARATION FOR OR DURING ACTUAL TRIAL PROCEEDINGS. PROJECT IS EXPECTED TO LAST TWO DAYS AND NISSEN WILL BE ASSISTED BY DEPARTMENTAL ATTORNEY AL DABROWSKI FROM WASHINGTON, D. C.

PURPOSE OF INVENTORY RELATES TO LETTER OF SENATORS CRANSTON AND GOLDWATER SUGGESTING THAT WATERGATE INQUIRY

END PAGE ONE

Mr. Tolson	_____
Mr. Callahan	_____
Mr. Clement	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Ponder	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Bates	_____
Mr. Barnes	_____
Mr. Bell	_____
Mr. Gandy	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Mr. Tele. Room	_____
Mr. Holmes	_____
Mr. Gandy	_____

[Handwritten signature]

REC-95

65-74361-431

MAY 31 1973

[Handwritten signature]

LA 105-27952

PAGE TWO

BE EXPANDED TO INCLUDE EXAMINATION OF PROCEEDINGS INVOLVED IN PROSECUTION OF ELLSBERG. NISSEN WANTS MATERIALS INVENTORIED AND STORED IN ONE SECURE LOCATION TO PROTECT AGAINST ANY POSSIBLE FUTURE ALLEGATION OF MISHANDLING.

BUREAU AUTHORITY IS REQUESTED FOR BUAGENTS TO ASSIST NISSEN.

END

DKS FBI HQ CLR

2:14 PM 5/24/72
Mr. Holt advised Mr. Richardson.
discussed this with R.C. Richardson
who indicated that Agents assist
Mr. Nissen is requested

3:16 PM 5/24/72
SAC Stargess, L.H., advised as above
WPA

LA 105-27952

PAGE TWO

BE EXPANDED TO INCLUDE EXAMINATION OF PROCEEDINGS INVOLVED IN PROSECUTION OF ELLSBERG. NISSEN WANTS MATERIALS INVENTORIED AND STORED IN ONE SECURE LOCATION TO PROTECT AGAINST ANY POSSIBLE FUTURE ALLEGATION OF MISHANDLING.

BUREAU AUTHORITY IS REQUESTED FOR BUAGENTS TO ASSIST NISSEN.

END

&8

DKS FBI HQ CLR

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: 6/1/73

FROM : Mr. E. S. Miller

1 - Mr. Gebhardt
1 - Mr. Miller
1 - Mr. Wannall
1 - Mr. Wagoner

SUBJECT: DANIEL ELLSBERG

7
Mr. Felt ✓
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller ✓
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

Attached is letter from Special Prosecutor Archibald Cox directed to the Acting Director dated May 30, 1973, which requests certain investigation by the FBI primarily involving the burglary of the office of Ellsberg's psychiatrist. Requests set forth in this letter were discussed on June 1, 1973, at a conference attended by Mr. Cox and his assistant, Thomas McBride, together with representatives of the General Investigative Division and Intelligence Division. As a result of this conference we have had clarification by Mr. Cox with regard to his request as follows.

Primarily Mr. Cox's request at this time as it relates to the Ellsberg case is confined to the activities of the so-called "plumbers" of the White House and particularly to the burglary of the office of Ellsberg's psychiatrist. In addition, Mr. Cox requested investigation of the obtaining, handling and referral of the allegations relative to the burglary by the Department of Justice. This investigation would include interviews of Department officials and employees having any connection with this information and its referral to Judge Matt Byrne, Jr., Ellsberg trial judge.

EX-111
REC-38 65-74060-4374X
Mr. Cox said that his request in this matter at the present time is narrow but he would expect the Bureau to pursue any leads which might relate to any type of "illegal" activity on the part of the plumbers such as, did anyone go into the home of Ellsberg's psychiatrist as reportedly at one time was considered. He said that after White House files relating to the plumbers are reviewed (and he commented he may himself review them) he could very well have other specific requests which would broaden our inquiries.

21 JUL 9 1973

He made a specific point, however, of stating that in connection with his current request, we should construe it as broadly as need be to establish activities of the plumbers.

WRW:JRW/mah
(5)

CONTINUED - OVER

Enc.

84 AUG 31 1973

Memorandum for Mr. Felt
RE: DANIEL ELLSBERG

Mr. Cox was advised that the FBI had conducted investigation into the burglary of the office of Ellsberg's psychiatrist and that a complete report relative to investigation conducted thus far would be furnished him expeditiously. He was advised that a thorough review would be made of the investigation thus far conducted and any additional investigation would be conducted.

ACTION:

If approved, we will send the necessary instructions to the field to comply with Mr. Cox's request concerning the handling of the material by Department officials relating to the burglary and any related ramifications of the handling of material by Department officials in connection with the Ellsberg prosecution.

JRW

CLK
bwp

~~7~~

AS

ad

1 - Mr. J. R. Wagoner

CODE

TELETYPE

NITEL

5/29/73

TO: SAC, LOS ANGELES (105-27952)

FROM: ACTING DIRECTOR, FBI (65-74060) — 4374

MC LEK, CI-3. REC-95

REURTEL, 5/25/73, AND BUCAL TO SAC STARTZELL, 5/29/73.

FOLLOWING WILL CONFIRM ORAL AUTHORIZATION FOR TWO FBI AGENTS TO ASSIST IN THE INVENTORY AND STORAGE OF MATERIAL IN POSSESSION OF DEPARTMENTAL ATTORNEY DAVID R. NISSEN RELATING TO TRIAL OF ELLSBERG; ET AL.

JRW:mlr
(3)

NOTE:

Los Angeles, by teletype, 5/25/73, advised that Nissen, chief prosecutor in Ellsberg trial, requested assistance of FBI Agents as indicated in this teletype and requested Bureau authorization for Agents to assist Nissen. On 5/29/73 Mr. Felt advised Inspector W. R. Wannall that Acting Director Ruckelshaus had discussed the request with Attorney General Richardson, who instructed that Agents assist Nissen as requested. Oral authorization was furnished to SAC Startzell on 5/29/73 by Inspector Wannall.

Felt _____
Baker _____
Callahan _____
Cleveland _____
Conrad _____
Gebbhardt _____
Jenkins _____
Marshall _____
Miller, E.S. _____
Soyars _____
Thompson _____
Walters _____
le. Room _____
Baise _____
Barnes _____
Bowers _____
Herington _____
Conmy _____
Mintz _____
S. _____

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 29 1973

TELETYPE UNIT

MAY 30

84 JUN 4 1973

MAIL ROOM

TELETYPE UNIT

EM/afu

JRW
m

to AG

~~Domestic~~ Intelligence Division

INFORMATIVE NOTE

Date 5/25/73

ELLSBERG CASE

Attached relates to request of Assistant U. S. Attorney David Nissen who handled Government's case in Ellsberg trial. Nissen has requested assistance of two FBI Agents to inventory and store in one location all material related to Ellsberg trial.

Possibility exists that Watergate inquiries will include examination of proceedings involved in prosecution of Ellsberg. Nissen wants to protect material against any future allegation of mishandling.

Intelligence Division is opposed to FBI Agents becoming involved in this matter because: 1) this is a responsibility and function of the Department and 2) we are not aware of the manner in which this material has been handled throughout the trial and to interject the FBI into this project at this time could lead to placing the FBI in the position of attempting to explain some allegation of mishandling in the future.

Accordingly, if you approve, Los Angeles will be instructed to advise Mr. Nissen that FBI Headquarters is opposed to FBI Agents participating in this project.

JRW:wmc

SPW

ROUTED IN ENVELOPE

as per instructions

CDL

7

11/11C

EM

Assistant Attorney General
Criminal Division

Acting Director, FBI

May 22, 1973

- 1 - Mr. Eardley
- 1 - Mr. Gebhardt
- 1 - Mr. E.S. Miller
- 1 - Mr. J.R. Wagoner

E. HOWARD HUNT
G. GORDON LIDDY DA
CONVERSION OF GOVERNMENT PROPERTY

MC LER

Reference is made to my letter dated May 17, 1973, inquiring as to whether or not further investigation was desired relative to the use of Central Intelligence Agency (CIA) material in the burglary of the office of Daniel Ellsberg's psychiatrist, Dr. Lewis Fielding.

[REDACTED]

REC-110

MAY 29 1973
65-74060-437

In addition to the above, Egil Krogh, Jr., formerly of The White House staff, submitted an affidavit on May 4, 1973, to the Department of Justice for submission to the U. S. District Court, Southern District of California, which Court at that time was hearing the Ellsberg case. Included

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. Gebhardt
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, E.S.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Baize
- Mr. Barnes
- Mr. Bowers
- Mr. Herington
- Mr. Conroy
- Mr. Mims
- Mr. Eardley
- Mr. Horn

JRW:WMC

(7)

SEE NOTE PAGE TWO

ROUTE IN ENVELOPE

53 MAY 33 1973

MAIL ROOM

TELETYPE UNIT

JUN 4 - 1973

Assistant Attorney General
Criminal Division

in the statements in this affidavit, Krogh made reference to a trip taken by Hunt and Liddy to California for the purpose of determining the feasibility of engaging in covert activity in an effort to obtain information concerning Ellsberg from the files of Ellsberg's psychiatrist, Dr. Lewis Fielding. In connection with this trip, photographs of the premises of Dr. Fielding's office were taken and it was Krogh's understanding and belief that certain of these films were left in a camera belonging to the CIA and transmitted to the Department of Justice by the CIA.

The foregoing represents the extent of information available to the Bureau indicating that CIA material was used in the burglary of Dr. Fielding's office.

As previously requested in the referenced letter, advise whether this matter should be the subject of further investigation relative to the possible violation of Title 18, U. S. Code, Section 641, in that Liddy and Hunt converted Government property to their own use or to the use of another without authority. In addition, the Conspiracy Statute, Title 18, U. S. Code, Section 371, may have also been violated by persons in addition to Hunt and Liddy in connection with the authorization and planning of the breakin.

NOTE:

Referenced Bureau letter advised Assistant Attorney General, Criminal Division, that evidence in FBI possession indicated that the use of CIA material for the burglary may have been in violation of 18 USC 371 and/or 18 USC 641. This letter outlines the specific information relative to this matter in Bureau files. Referenced letter, copy attached, was prepared by Mr. Eardley.

Assistant Attorney General
Criminal Division

May 17, 1973

Acting Director, FBI

Evidence in our possession indicates that the use of CIA materiel for the Hunt-Liddy break-in of Dr. Fielding's office in Los Angeles may have been a violation of 18 U.S.C. 371 and/or 18 U.S.C. 641.

Will you kindly advise whether this matter is to be the subject of further investigation.

1 - Mr. Eardley (sent direct)

WDR:edm (5)

65-74060-4375

ENCLOSURE

~~139-4089~~

2204

Original filed in 139-4089-2166

Memorandum

TO : MR. FELT

DATE:

6/1/73

FROM : L. M. WALTERS *LMW*SUBJECT: ON-GOING INVESTIGATIONS INVOLVING
WATERGATE, ELLSBERG, AND RELATED
MATTERS *McLe k*

Mr. Felt ☒
 Mr. Baker ☐
 Mr. Callahan ☐
 Mr. Cleveland ☐
 Mr. Conrad ☐
 Mr. Gebhardt ☐
 Mr. Jenkins ☐
 Mr. Marshall ☐
 Mr. Miller, E.S. ☐
 Mr. Soyars ☐
 Mr. Thompson ☐
 Mr. Walters ☒
 Tele. Room ☐
 Mr. Baise ☐
 Mr. Barnes ☐
 Mr. Bowers ☐
 Mr. Herington ☐
 Mr. Conny ☐
 Mr. Mintz ☐
 Mr. Eardley ☐
 Mrs. Hogan ☐

Memorandum Walters to Felt 5/31/73 requests the Inspection Division to set forth the current status of an on-going investigation and inquiry dealing with the possibility that former Acting Director Gray caused delays in the Watergate case at the outset of the Bureau's investigation. This is item two in Mr. Eardley's memorandum to Mr. Cox 5/31/73, which is the only item being handled by the Inspection Division.

Interviews and inquiries have been completed by the Inspection Division and the results therefrom are being incorporated in a suitable memorandum which, when completed, will be sent forward.

- 1 - Mr. Miller
 - 1 - Mr. Gebhardt
 - 1 - Mr. Mintz
 - 1 - Mr. O'Connor
 - 1 - Mr. Eardley
- HMB* *LMW*

JOC:wmj
(7)

65-74060-
~~NOT RECORDED~~

46 JUN 8 1973

JUN 11 1973

53 JUN 11 1973

ORIGINAL FILED IN 159-4-97-2252

- 1 - Mr. Carl Eardley
- 1 - Mr. E. S. Miller
- 1 - Mr. W. R. Wannall
- 1 - Mr. J. R. Wagoner

June 6, 1973

Mr. Archibald Cox
Special Prosecutor
U.S. Department of Justice
Washington, D.C.

McLak

Dear Mr. Cox:

This will confirm telephone call from Mr. Thomas F. McBride of your staff to Mr. Carl Eardley of this Bureau on June 4, 1973. Mr. McBride stated that Mr. Joseph P. Busch, District Attorney, Los Angeles, California, who is investigating the matter involving a burglary of the office of Daniel Ellsberg's psychiatrist in September, 1971, had called you and advised he desired that our Los Angeles Office furnish him with copies of interviews with John D. Ehrlichman and Egil Krogh, Jr. Mr. Busch added that he desired a copy of a summary of the known facts surrounding the aforementioned burglary allegedly prepared by Mr. Ehrlichman while he was at The White House. According to Mr. McBride, you authorized the FBI to pass to Mr. Busch the interview report forms for Mr. Ehrlichman and Mr. Krogh, and, if available, the alleged summary prepared by Mr. Ehrlichman.

u

On June 4, 1973, Mr. Busch was contacted by the Los Angeles Office of this Bureau. Mr. Busch advised that he was not in receipt of interview forms pertaining to interviews with Mr. Ehrlichman on April 27, 1973, and May 1, 1973. He was advised that copies would be furnished to his office on June 5, 1973.

REC-82 65-74060-4377

JUN 7 1973

Mr. Busch stated further that he was in possession of the affidavit of Mr. Krogh which he had obtained from the U.S. District Court in Los Angeles, California. It was explained to Mr. Busch that additionally there were two interview forms pertaining to contacts with the attorney for Mr. Krogh. These interview forms were negative in

- Felt
- Baker
- Callahan
- Cleveland
- Conrad
- DeLoach
- Jenkins
- Marshall
- Miller, E.S.
- Soyars
- Thompson
- Walters
- Tele. Room
- Beise
- Barnes
- Bowers
- Herrington
- Conmy
- Hogan

65-74060

LEB:mlr

(6)

JUN 12 1973

MAILED 5
JUN 6 1973
FBI

SEE NOTE PAGE THREE

TELETYPE UNIT ☐

AS

LEB

wew

Mr. Archibald Cox

Mr. Ehrlichman regarding the burglary of the office of Daniel Ellsberg's psychiatrist. He was advised that if any such summary is located, the FBI would appreciate receiving a copy.

Our Agents in the Los Angeles Office have been instructed to cooperate with Mr. Busch as outlined above.

Sincerely yours,

William D. Ruckelshaus
William D. Ruckelshaus
Acting Director

NOTE:

Prosecution of Daniel Ellsberg and Anthony J. Russo, Jr., was dismissed by the U.S. District Court in Los Angeles, California, following, among other things, the disclosure by the Government that individuals connected with the "plumbers" at The White House had been responsible for burglary of the office of Daniel Ellsberg's psychiatrist in September, 1971. Mr. Cox has been designated by the Attorney General to head a special prosecution team to handle inquiry into alleged illegal acts, including the aforementioned burglary, by the "plumbers" unit. Mr. Busch is handling preparation of possible state prosecution in connection with the burglary of the psychiatrist's office.

The instructions from Mr. Cox's office were relayed to Supervisor Neil McGinness and SA [redacted] of the Los Angeles Office on 6/5/73 by Inspector W. R. Wannall.

The Attorney General

June 7, 1973

Acting Director, FBI

DANIEL ELLSBERG

Special Prosecutor Cox has requested that the FBI conduct a full investigation into all of the circumstances of the break-in at the office of the subject's psychiatrist, Dr. Lewis Fielding, as well as into the handling of this aspect of the Ellsberg case by the Department of Justice. In the latter connection, Mr. Cox has indicated that he particularly desires that the FBI develop pertinent information concerning the handling by the Justice Department of this phase of the matter from the time the break-in was first reported to Assistant Attorney General Petersen by the U. S. Attorney Silbert until Judge Byrne was notified on April 27, 1973.

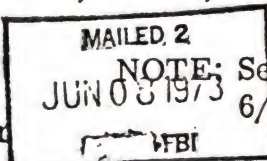
REC-82 65 740 60 4378

Pursuant to Mr. Cox's request, we are instructing the Washington Field Office to promptly institute appropriate inquiries which will include interviews with officials and employees of the Department of Justice. At the outset of these inquiries, we plan to contact Mr. Petersen as well as Deputy Assistant Attorney General Kevin Maroney.

10 JUN 8 1973

It is further noted that among material found in the White House office formerly occupied by E. Howard Hunt were copies of various FBI communications prepared during our investigation of Ellsberg. These items included copies of interview report forms, a teletype and the first page of Los Angeles report dated July 29, 1971. With regard to the latter item, the copy found in Hunt's office contained a handwritten list of the names of five individuals who were officials or employees of the Internal Security Division of the Department of Justice at the time this report was disseminated by the FBI to the Internal Security Division. These individuals were shown as "Doherty, McGrath, Davitt, Yates, Clarkson."

- 1-Mr. Eardley
- 1-Mr. Miller
- 1-Mr. Wannall
- 1-Mr. Wagoner
- 1-Mr. Cotter
- 1-Mr. Gebhardt
- RDC:nlb (9)



NOTE: See cover memo Miller to Mr. Felt dated 6/6/73, RDC:nlb, same caption.

- Mr. Felt _____
- Mr. Baker _____
- Mr. Callahan _____
- Mr. Cleveland _____
- Mr. Conrad _____
- Mr. Gebhardt _____
- Mr. Jenkins _____
- Mr. Marshall _____
- Mr. Miller, E.S. _____
- Mr. Soyars _____
- Mr. Thompson _____
- Mr. Walters _____
- Tele. Room _____
- Mr. Baise _____
- Mr. Barnes _____
- Mr. Bowers _____
- Mr. Herington _____
- Mr. Conny _____
- Mr. Mintz _____
- Mr. [unclear] _____
- Mr. [unclear] _____

84 JUN 12 1973

MAIL ROOM ☐ TELETYPE UNIT ☐

The Attorney General

We are instructing our Washington Field Office to conduct appropriate inquiries in an effort to resolve whether copies of FBI documents found among Hunt's papers could have originated with an employee of the Internal Security Division of the Department. The results of this investigation will be provided to Mr. Cox.

1-The Deputy Attorney General
1-Assistant Attorney General
Criminal Division

Airtel

To: SAC, Washington Field Office

6/7/73

From: Acting Director, FBI

DANIEL ELLSBERG

Special Prosecutor Cox has requested FBI to institute immediately investigation to develop all circumstances concerning the break-in of the office of subject's psychiatrist, Dr. Lewis Fielding. In this connection, Los Angeles Office is preparing a detailed report.

Mr. Cox also desires that inquiry be made to develop a detailed account of the handling by Justice Department of information relating to the break-in at Fielding's office. In this connection, Cox has indicated he wants us to develop all pertinent information regarding Justice Department's handling of this aspect of the Ellsberg case from the time it was first reported to Assistant Attorney General Petersen by U. S. Attorney Silbert on 4/16/73 until Judge Byrne, presiding at the Ellsberg trial, was notified on 4/27/73. Cox has indicated he is especially interested in learning the basis for a delay in the Justice Department notifying Judge Byrne.

WFO should promptly undertake appropriate investigation pursuant to the latter request of Cox. These inquiries should begin with interviews of Assistant Attorney General Petersen and Deputy Assistant Attorney General Kevin Maroney.

REC-93

105-74060-4379

It is noted that among material found in the White House office formerly occupied by E. Howard Hunt were copies of various FBI communications prepared during our investigation of Ellsberg. These items included copies of interview report forms, a teletype and the first page of Los Angeles report dated 7/29/71. With regard to latter item, the copy found in Hunt's office contained a handwritten list of the names of five individuals who were officials or employees of the Internal Security Division of the Department of Justice at the time this report was disseminated by the FBI to the Internal Security

- ☐ Felt
- ☐ Baker
- ☐ Callahan
- ☐ Cleveland
- ☐ Conrad
- ☐ Gebhardt
- ☐ Jenkins
- ☐ Marshall
- ☐ Miller, E.S.
- ☐ Soyars
- ☐ Thompson
- ☐ Walters
- ☐ Tele. Room
- ☐ Baise
- ☐ Barnes
- ☐ Bowers
- ☐ Herington
- ☐ Irvin
- ☐ Gandy
- ☐ Mrs. Hogan

1-Dos Angeles

MAILED 3

JUN 8 - 1973

JUN 8 1973

NOTE: See cover memo Mr. Miller to Mr. Felt dated 6/8/73, RDC:nlb,

same caption.

1 - Mr. Eardley

1 - Mr. Miller

1 - Mr. Wannall

1 - Mr. Wagoner

1 - Mr. Cotter

1 - Mr. Gebhardt

84 JUN 13 1973 RDC:nlb (10)

MAIL ROOM ☐

TELETYPE UNIT ☐

Handwritten initials and marks: "7", "J", "EM", "RDC", "WFO"

Airtel to Washington Field Office
Re: DANIEL ELLSBERG

Division. These individuals were shown as "Doherty, McGrath, Davitt, Yates, Clarkson."

In addition to making inquiries concerning the Justice Department handling of the information relating to the break-in at Fielding's office, you should make appropriate inquiries in an effort to determine whether the copies of FBI documents found among Hunt's effects, did in fact, originate with the Internal Security Division of the Department.

This investigation should be handled by experienced Agents and FBIHQ should be kept fully advised of developments. For your information, FBIHQ is advising the Attorney General, the Deputy Attorney General and Assistant Attorney General Petersen of your forthcoming investigation.

It will be noted that the inquiry referred to in the first three paragraphs of this airtel is being undertaken at the specific request of Special Prosecutor Archibald Cox. All individuals interviewed with respect to this particular inquiry should be specifically advised that the investigation has been requested by Mr. Cox.

[Handwritten signature]
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____

Intelligence Division

INFORMATIVE NOTE

Date 5/8/ELLSBERG CASEOral Report on Interview of Charles Colson,
Former Counsel to the President

At 4:20 p.m., 5/8/73, *[redacted]*
of Washington Field Office orally reported that
Agents had interviewed Colson for 45 minutes
in the presence of his attorney after Colson had
signed a waiver of rights.

In essence, Colson said he knew the White House
was going to conduct investigation into the leaks
of classified material and that he recommended
Hunt be considered for a job in this connection.
Hunt was subsequently hired and for administra-
tive purposes was assigned to Colson.

Colson also said he knew that the so-called
"plumbers" were going to the west coast but the
reason for the trip was unknown to him. Later,
someone, probably Mr. John D. Ehrlichman,
told him that there had been a burglary but this
was related to the national security and should
not be discussed with anyone. He said that
John W. Dean cautioned him in the same manner.

Recommended this information be furnished to
the Acting Director.

[Handwritten initials: WRW, JEB, JMW]

WRW:mah //

REC-64

4381

10 JUN 11 1973

ST-102

84 JUN 14 1973

Intelligence Division

INFORMATIVE NOTE

Date 5/8/73ELLSBERG CASEOral Report on Interview With
Felipe DeDiego

At the request of the Department, last evening we instructed the Miami Office to interview DeDiego.

[REDACTED]

[REDACTED]

At 2:20 p.m. Supervisor [REDACTED] of Miami, advised that DeDiego was interviewed at 1841 Southwest 92nd Place, Miami, where he is the president of Realco Realty Incorporated. After he read the Advice of Rights form he declined to sign it. When advised of the reason for the interview, he said that anything he did, he did it because he thought he was working for the Central Intelligence Agency. Later he made the same statement but for "Central Intelligence Agency" he substituted "the U.S. Government."

He said he would tell everything he knows about this matter if granted immunity. He pointed out he had been granted immunity earlier when he testified before the Grand Jury handling the Watergate

WRW:mjt

CONTINUED - OVER

7/11/73 ✓

Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Glavin	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Mr. Tele. Room	_____
Mr. Holmes	_____
Mr. Gandy	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Mr. Egan	_____
Mr. Gurnea	_____
Mr. Harbo	_____
Mr. Hendon	_____
Mr. Jones	_____
Mr. Mumford	_____
Mr. Quinn	_____
Mr. Nease	_____
Miss Gandy	_____

Intelligence Division

INFORMATIVE NOTE

Date _____

affair. He said that if extended the same type of immunity he would tell what he knows about the Ellsberg affair.

DeDiego said he would not make any further comment at this time but would be glad to get a subpoena "and get this thing resolved."

Recommended this information be furnished to the Acting Director.

EM

LHGC

mcl

Cordell

Fraw

F B I

Date: 5/24/73

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. [unclear]	_____
Mr. [unclear], E.S.	_____
Mr. [unclear]	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Minley	_____
Mr. Armstrong	_____
Mr. Bowers	_____
Mr. Herington	_____
Ms. Herwig	_____
Mr. Mintz	_____
Mrs. Neenan	_____

TO: ACTING DIRECTOR, FBI (65-74060)

FROM: SAC, WFO (65-11613) ATTN: INTELLIGENCE DIVISION

MC LEK

ReWFOairtel to Bureau 5/23/73 concerning WFO
attempt to interview [REDACTED][REDACTED] attorney for [REDACTED], has
agreed to have [REDACTED] available for interview Wednesday,
5/30/73. WFO will promptly advise Bureau and Los Angeles
of results.

ST-102

REC-67

65-74060-4396

10 JUN 11 1973

- 2 - Bureau
- 2 - Los Angeles (105-27952)
- 1 - WFO

CAR:jak
(5)

jmwls

Approved: _____

Sent _____

M

Per _____

24 JUN 14 1973 Special Agent in Charge

r. Sullivan

1 - Mr. Mohr

1 - Mr. Bishop

The Attorney General

August 9, 1971

Director, FBI

1 - Mr. Dalbey

1 - Mr. Brennan

1 - Mr. Wannall

1 - Mr. Harrell

UNAUTHORIZED DISCLOSURES
OF CLASSIFIED INFORMATION

In pursuing our investigation of Daniel Ellsberg, in accordance with your instructions, as well as matters related to the unauthorized disclosures of classified information referred to us by Assistant Attorney General Robert C. Mardian, situations have arisen which require clarification.

You advised me in your letter dated July 23, 1971, captioned as above, that this Bureau's investigation of Ellsberg should be as broad in scope as the evidence uncovered indicates is necessary for a full and complete appraisal of the problem relating to leaks of classified information. An important investigative procedure is, of course, the interview of any individual who has or may have pertinent information.

By letter dated July 2, 1971, in the Ellsberg case, I advised you that we contemplated early interviews with certain news media personalities. I requested that you advise me whether the interviews with them as well as with other news media personnel would conflict with any legal action planned by the Department. On July 3, 1971, Mr. Mardian addressed a letter to me in which he stated there should be no direct contacts with any reporters or newspaper personnel. I request that I be advised when this restriction to our investigation is removed.

In a letter dated July 22, 1971, I called to your attention the fact that Mr. Charles W. Cooke, Special Assistant to the Secretary of Health, Education and Welfare, declined to be interviewed the previous day by Agents of our Washington Field Office in the absence of clearance granted by Deputy Attorney General Richard G. Kleindienst. I learned for the first time that officials of the Department had been handling this phase of the investigation and that two attorneys of the Internal Security Division had been designated to conduct the interview with Mr. Cooke.

On July 14, 1971, I called to your attention information furnished to this Bureau by Brigadier General Joseph J. Cappucci, Office of Special


WRW:ams

(12)

SEE NOTE, PAGE 3

The Attorney General

Investigations (OSI), U. S. Air Force. General Cappucci advised that Mr. J. Fred Duzhardt, General Counsel, Office of the Secretary of Defense, had requested OSI to enter the case relating to the publication of the "McNamara Study" and to look into the role of Ellsberg in this matter. I advised you that I would have a representative of this Bureau maintain contact with General Cappucci to see that our respective efforts were appropriately coordinated. In pursuance of this course, on August 6, 1971, an Agent of our Washington Field Office informed Mr. John Stahl, General Cappucci's assistant, that we intended to interview Mr. Thomas W. Scoville, Office of the Chief of Military History, Department of the Army. Mr. Stahl asked that we defer to the Department of the Army since it was the desire of that Department that Scoville be interviewed by two of its task force members. In this regard, on August 5, 1971, Mr. Duzhardt had advised an Agent of this Bureau that it was his opinion that interviews of military personnel and civilian employees of the Department of Defense should be conducted by investigators of that Department.



When our Agents called at the Department of the Army they were advised that that Department had already conducted approximately 100 interviews in this matter and that the source documents for Beecher's article would not be declassified for prosecutive purposes. At the Department of State they learned that State Department had conducted over 100 interviews in the matter and that the FBI could not be given access to investigative results in the absence of clearance from Deputy Undersecretary for Administration William B. Macomber, Jr. Our Agents were advised that Mr. Macomber's clearance would be immediately sought.

As you will see from the above, a number of officials or departments are conducting active investigation in the Ellsberg and the unauthorized disclosure cases. Some of this is obviously duplicating investigation which you have instructed me to institute. In the instances enumerated, I have been unaware of the efforts of the other officials or departments until our Agents have come upon such knowledge in pursuing leads which have been indicated as necessary as a result of the evidence uncovered or on the specific instructions of the Department.

The Attorney General

I request that you advise me at this time of the specific areas to which you desire this Bureau's investigation confined. I further request that you specifically define any limitations and/or restrictions which you feel should be observed by this Bureau in pursuing the investigation.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Internal Security Division

NOTE:

See cover memorandum Wannall to Brennan, same caption,
August 9, 1971, WRW:ams.

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Dalbey
1 - Mr. Brennan

August 10, 1971

1 - Mr. Wannall
1 - Mr. Wagoner

BY LIAISON

Honorable Egil Krogh, Jr.
Deputy Assistant to the President
for Domestic Affairs
The White House
Washington, D. C.

Dear Mr. Krogh:

I have received your letter of August 6, 1971, asking that this Bureau utilize its full resources to intensify and widen the scope of the investigation of the "leak" problem as related directly or indirectly to the Ellsberg case. You asked that all future investigation on this subject be conducted on a special basis. This is being done.

By separate letter, I am furnishing you a summary of investigation conducted since my communication to you of August 3, 1971, to which was attached a paper on the Ellsberg case. In the future, I will forward a weekly summary to you setting forth results in the Ellsberg and related matters.

Sincerely yours,

WRW:ams
(9)

FBI

Date: 5/23/73

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Sanders	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Herwig	_____
Mr. Mintz	_____
Mrs. Neenan	_____

TO: ACTING DIRECTOR, FBI (65-74060)

FROM: SAC, WFO (65-11613)

ATTN: INTELLIGENCE
DIVISION

MC LEK

ReWFO teletype to Bu and LA 5/16/73.

[REDACTED] was contacted 5/23/73 in presence
of his attorney [REDACTED][REDACTED] was
advised FBI wished to question him about sum of \$5,000 he
reportedly furnished to office of EGIL KROGH in September, 1971.[REDACTED] stated he wished to confer with [REDACTED]
on this matter prior to interview and will advise WFO as soon
as possible concerning requested interview.[REDACTED] was interviewed 5/23/73 in [REDACTED]
presence in matters related to Watergate investigation.

WFO will follow.

*this was all
his 6 matters
& not related
to the \$5,000.*

*5/24/73
Will deaminate
on 5/30/73. per
Charlie Rogers
JRM REC-64*

65-74060-537

JUN 11 1973

2 - Bureau
2 - Los Angeles (105-27952)
1 - WFO
CAR:jak
(5)

Approved: _____

Sent _____

M

Per _____

Special Agent in Charge

Memorandum

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Walters _____
Soyars _____
Beaver _____
Tele. Room _____
Holmes _____
Gandy _____

TO : MR. TOLSON

DATE: 6/15/71

FROM : W. C. Sullivan

cc Mr. Sullivan
Mr. Brennan
Mr. Rosen
Mr. Bishop

SUBJECT: PUBLICATION BY THE
NEW YORK TIMES -
U.S. -- VIETNAM RELATIONS
1945-1967

Reference is made to my memorandum to Mr. Tolson earlier today, relative to the above matter.

Assistant AG Mardian of the Internal Security Division has just called to say that the Attorney General wants us to conduct all necessary investigation in this matter. He stated a criminal grand jury is going to be called in New York on Thursday, 6/17/71, to look into all facets of this matter.

Mr. Mardian stated the AG wants us to interview immediately a [REDACTED]

[REDACTED] who reportedly knows the individual who leaked the information to the New York Times. This individual is said to be one Dan Elsborg, a former special assistant to Thomas McNaughton, at the Pentagon. He later went with the Rand Corporation.

Mardian advised the AG also requested that we interview a Mr. Crane, Editor of the Indianapolis Star. The purpose of this is to verify whether or not he does have some of the documents which were taken and given to him by the New York Times. This is the allegation that has been made by [REDACTED] who is known to the Bureau.

RECOMMENDATION -

- (1) For the information of the Director.
- (2) That the Director advise of his wishes.

WCS:CSH (5)

EX-113
REC 43

1 JUN 17 1971

55 JUN 22 1971

MADE FOR MR. TOLSON

65-740

1 - Mr. J. P. Mohr
 1 - Mr. T. E. Bishop
 1 - Mr. D. J. Dalbey
 1 - Mr. C. D. Brennan
 1 - Mr. J. R. Wagoner
 1 - Mr. W. B. Wannall
 June 16, 1971

The Attorney General

Director, FBI

UNAUTHORIZED DISCLOSURE OF
 CLASSIFIED INFORMATION;

"NEW YORK TIMES" SERIES REGARDING
 UNITED STATES - VIETNAM RELATIONS,
 1945 - 1967

This will confirm telephone calls on June 14 and 15, 1971, from Assistant Attorney General Robert C. Mardian to Mr. William C. Sullivan of this Bureau, wherein Mr. Mardian conveyed your requests that we interview four individuals who might have knowledge concerning captioned matter and that we conduct all necessary investigation in this matter.

On June 15, 1971, we interviewed three of the four individuals. The fourth, General Robert C. Mardian, was en route all day by car from his residence in McLean, Virginia, to a camping area in the vicinity of Myrtle Beach, South Carolina. As soon as he can be located in that area, he will be interviewed and you will be apprised of the results.

Mr. Leslie H. Gelb, a Senior Fellow at the Brookings Institute, Washington, D. C., directed a task force which prepared the "Top Secret" documents involved in captioned unauthorized disclosure, which documents

TOP SECRET

WRW:JRW:bjp

(12)

GROUP 1

Excluded from automatic
 downgrading and
 declassification

SEE NOTE PAGE THREE

39 JUN 18 1971

TELETYPE UNIT ☐

MAILED 3

JUN 16 1971

UNRECORDED COPY FILED IN

~~TOP SECRET~~

The Attorney General

documents

are commonly referred to as the "McNamara Study." At the time, Mr. Gelb was Deputy Assistant Secretary of Defense. On June 15, 1971, he furnished detailed information identifying individuals who had been connected with this task force or who were otherwise concerned with the preparation of the material. He acknowledged that lax security surrounding staff members would have made it possible for the material to have been reproduced before its final completion and official distribution; however, he did not think this was the case. He identified one Daniel Ellsberg as the most likely person through whom the "New York Times" may have come into possession of the material involved in this matter. He explained that he did this on the grounds that Ellsberg, who was a member of the task force, had later become very radical regarding the Vietnam situation and had advocated the importance of making the "McNamara Study" public. Ellsberg also, according to Mr. Gelb, had presented a paper at a political science convention, wherein he used classified information in paraphrased form taken from task force documents. Mr. Gelb expressed distress over the unauthorized disclosure in instant matter and offered every assistance possible.

~~TOP SECRET~~

~~TOP SECRET~~

The Attorney General

[REDACTED]

to talk with us regarding this matter. No information was developed to substantiate the allegation although two officials of the Rand Corporation offered opinions that documents in the possession of that Corporation in which Ellsberg would be most interested related to the "McNamara Study." The results of our inquiries with regard to this allegation have been made available in the past to the Internal Security Division of the Department under the caption "Daniel Ellsberg, Espionage - X."

We are proceeding with the investigation which you have requested in this matter on an expeditious basis and will keep you apprised of pertinent developments. Complete investigative results will be furnished as received to the Internal Security Division.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Internal Security Division

NOTE:

See cover memorandum W. R. Wannall to C. D. Brennan, dated 6/16/71, captioned as above, prepared by WRW:JRW:bjp.

Classified "Top Secret" since this matter relates to a highly sensitive investigation involving the leak of documents of the Department of Defense bearing this classification.

~~TOP SECRET~~



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

8:54 AM

July 6, 1971

MEMORANDUM FOR MR. TOLSON
MR. SULLIVAN
MR. C. D. BRENNAN ✓
MR. BISHOP

Honorable H. R. Haldeman, Assistant to the President, called. He said the President asked him to check and see if I could get over to him a current progress report on the investigation of the 'Times' personnel participation in this obtaining of the stolen papers. I told him I could do that. Mr. Haldeman said this is the involvement of individuals and the President would also like to have periodic status reports. I asked him how often, and he said once a week. Mr. Haldeman said the President would like a report to bring him up to date and then to keep him filled in, but he is particularly interested in the complicity of individuals. I said we are bearing down on Sheehan of the New York Times and also on the angle of this man Roach (phonetic) in Los Angeles, who is an employee of the Rand Corporation and who refused to testify and has been cited for contempt. I told Mr. Haldeman I would have this done right away.

8:56 AM

I called Supervisor W. Raymond Wannall in the Domestic Intelligence Division and told him the White House had just called and they would like to have a memorandum just as quickly as possible on the angles of the New York Times personnel who are involved in the Ellsberg case that may result in indictments or prosecution and they would like to have also once a week a status report of the progress we are making in the Ellsberg case as to those various angles like Sheehan and Roach and anyone else. I told Mr. Wannall the one that I am anxious for now is the current progress report as I thought the President is leaving for San Clemente about noon and I would like to get it over before then.

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

*Ltr to Haldeman
7-6-71 WRW:ams.
Personally delivered
to Director's office 11:57 am 7-6-71
JEH:edm (8)*

Sullivan

1 - Mr. Mohr

1 - Mr. Bishop

The Attorney General

July 13, 1971

Director, FBI

1 - Mr. Dalbey

1 - Mr. C. Brennan

1 - Mr. Wannall

1 - Mr. Day

1 - Mr. Wagoner

DANIEL ELLSBERG
ESPIONAGE - X

On July 12, 1971, Brigadier General Joseph J. Cappucci of the Office of Special Investigations (OSI), U. S. Air Force, called personally at the FBI to advise that Mr. J. Fred Buzhardt, General Counsel for the Secretary of Defense, had requested OSI to enter the case relating to the publication of the "McNamara Study" by different newspapers and to look into the role of Daniel Ellsberg in this matter.

The General stated that the OSI inquiry would be limited strictly to individuals currently on active duty in the armed services and would not relate to any retirees from any of the services. He said that OSI will identify and interview active armed services personnel who were close to Daniel Ellsberg, who participated in the preparation of the "McNamara Study," or who may know something about the matter. He stated that under no circumstances does he want to infringe in any way upon the jurisdiction of the FBI.

General Cappucci said he thought it would be well if the OSI and the FBI touch base with each other from time to time to make certain that everything is being properly handled.

I can understand the interest from an administrative standpoint of the armed services in activities of their personnel which might relate to the captioned subject and, particularly, any associations with him that might have a bearing on the leak of the "McNamara Study." However, to assure that there will be no duplication of effort or infringement of jurisdictional matters, I will have a representative of this Bureau maintain contact with General Cappucci to see that our respective efforts are appropriately coordinated.

1 - The Deputy Attorney General

WRW:ams

(12)

NOTE:

See cover memorandum Wannall to Brennan, 7/13/71, captioned "McLek," WRW:ams.

MAIL ROOM ☐ TELETYPE UNIT ☐

Tolson _____
Felt _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
DeLoach _____
Malone _____
Rosen _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop

The Attorney General

July 22, 1971

Director, FBI

1 - Mr. Dalbey
1 - Mr. Brennan
1 - Mr. Wannall
1 - Mr. Wagoner

DANIEL ELLSBERG
ESPIONAGE - X

On June 15, 1971, the Internal Security Division of the Department advised this Bureau that you wanted all necessary investigation conducted in the matter relating to the publication by "The New York Times" of classified information and documents relating to United States - Vietnam relations covering the period 1945 - 67. An intensive investigation was undertaken at that time and is continuing at the present, results of which are being furnished to you and to the Internal Security Division.

On July 3, 1971, Assistant Attorney General Robert C. Mardian addressed a letter to me captioned "Boston Grand Jury Investigation Re Violations of Espionage Statute by Individuals Involved in Publication of Pentagon Documents."

In his letter, Mr. Mardian pointed out that the Department was instituting Federal grand jury proceedings in Boston, Massachusetts, on July 7, 1971, to present evidence which might reveal violations of the Espionage Act by individuals involved in the acquisition and publication of the History of U. S. Decision-Making Process on Vietnam Policy, 1945 - 1967. Mr. Mardian propounded a series of 23 questions for investigative attention. These questions were directed primarily toward establishing the involvement of Daniel Ellsberg; "The New York Times" writer, Neil Sheehan; and his wife, Susan Sheehan, in the matter under discussion.

During a conference on July 6, 1971, which was requested to clarify certain of the points Mr. Mardian had raised in his letter, Mr. Mardian advised that the grand jury which would convene in Boston on July 7, 1971, was an investigative-type grand jury and evidence would be presented concerning violations on the part of any individuals involved in the acquisition and publication of the "McNamara Study" material. He stated that President Nixon was vitally concerned not only with the Ellsberg case but with all aspects of leaks of classified information of the Executive Branch.

WRW:ams

59 JUL 30 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

EX-101

REC-52 5-74060-634

18 JUL 22 1971

WBS

The Attorney General

Following the publication of the material involved in instant matter by "The New York Times," other newspapers released articles, some of which may have included classified information based upon the "McNamara Study." The FBI investigation of the possible criminal aspects of this case has to date been directed toward the development of evidence concerning the possible involvement of Daniel Ellsberg and persons associated with "The New York Times." This has been in line with your original request for all necessary investigation into the publication of the documents by "The New York Times." In the absence of a specific request from you, we will not expand inquiries to include investigation of officials or personnel of the various other newspapers which have released articles which may have been based upon the "McNamara Study."

1 - The Deputy Attorney General

• 1 - Assistant Attorney General
Internal Security Division

1 - Mr. Sullivan
1 - Mr. Mohr

C. D. Brennan

August 3, 1971

W. R. Wannall

1 - Mr. Bishop
1 - Mr. Dalbey
1 - Mr. Brennan
1 - Mr. Wannall
1 - Mr. Harrell

UNAUTHORIZED DISCLOSURES
OF CLASSIFIED INFORMATION

Attached is proposed reply to the Attorney General's letter of 7/23/71 in which he stated that our investigation in the Daniel Ellsberg case should be as broad in scope as the evidence uncovered indicates is necessary "for a full and complete appraisal of the problem relating to leaks of classified information." Attorney General further stated that he did not intend to suggest a departure from established Bureau procedures.

These leaks, of course, refer to unauthorized disclosures to the press. Our procedures for investigations of this type were established in a memorandum from the Attorney General dated 5/9/62, from which the following is quoted:

"...It is the opinion of the Department that while cases involving leaks of classified defense information should be considered primarily matters to be handled by the agency which is responsible for safeguarding the information, it remains, however, the responsibility of the Department to determine whether a specific set of facts constitute a violation of our criminal statutes.

"It is recommended that the responsible department or agency be requested to furnish the FBI at the time it reports the leak to the Bureau the same background data as now supplied by the Atomic Energy Commission in its cases. The FBI could at that time refer the matter to the Department for a determination as to whether the investigation should be taken over by the Bureau for the purpose of attempting to develop evidence to establish a violation of the espionage statutes."

In the past 24 hours we have had three leak cases referred to us for investigation by the Department. In one of its letters, the Department referred to the President's interest in those matters and it is known through other information coming to our attention that the President is most disturbed over leaks of Executive Branch secrets and has expressed a determination to see that they are stopped.

Enclosure *sent 8-5-71*
WRW:ams
(3)

CONTINUED - OVER

Memorandum for Mr. Brennan
Re: UNAUTHORIZED DISCLOSURES
OF CLASSIFIED INFORMATION

In view of this and the specific request of the Attorney General, we are initiating investigations in all leak matters referred to us by the Department on a special basis; however, in the proposed reply to the Attorney General we are asking that the Department advise the Director when a determination is made that the facts in a particular case do not warrant prosecution in order that we may comply with his comment to the effect that he does not intend to suggest a departure from established Bureau procedures.

The Attorney General also indicated that it is not at all clear that Daniel Ellsberg was responsible for "The New York Times" stories. All information we have developed and certain public admissions by Ellsberg indicate to the contrary. Accordingly, we are asking the Attorney General to furnish any material which arose during a grand jury hearing in Boston in this matter which might afford leads for investigation.

ACTION:

(1) Attached for approval is proposed letter to the Attorney General.

(2) We are separately issuing explicit and detailed instructions to the field to comply with the Attorney General's instructions and will pursue all matters on a special basis.

Dem
CB

✓
wcl

7

SD

DJD
jam

WBS

- Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Dalbey

The Attorney General

August 4, 1971

Director, FBI

1 - Mr. Brennan
1 - Mr. Wannall
1 - Mr. Harrell

UNAUTHORIZED DISCLOSURES
OF CLASSIFIED INFORMATION

Receipt is acknowledged of your letter dated July 28, 1971, relating to our investigation of the Daniel Ellsberg case. In reply to a question we raised regarding the scope of this investigation, you have indicated that it should be as broad as the evidence uncovered indicates is necessary for a full and complete appraisal of the problem relating to leaks of classified information. In view of your instructions, we are expanding our inquiries in this area.

In your letter you commented upon evidence developed by this Bureau as well as by the grand jury in Boston and stated that it was not at all clear that Daniel Ellsberg was responsible for "The New York Times" stories. In this connection, I call to your attention my communication of August 3, 1971, to which were attached 17 memoranda prepared at the request of the President for the benefit of the Honorable Egil Krogh, Jr., his Deputy Assistant for Domestic Affairs. One of these enclosures reviewed in detail our investigation of Daniel Ellsberg and noted therein that information developed to date strongly suggested that it was in fact Ellsberg who released to "The New York Times," as well as to other newspapers, the material which formed the basis for the various articles relating to the "McNamara Study." As set forth in the memorandum on Ellsberg, this was also buttressed by various admissions which have been made publicly by Ellsberg.

It would be most helpful in our continuing investigation of Ellsberg, as well as contemplated expanded inquiries relating to leaks of classified information, if you would furnish to this Bureau any information developed during the course of the Boston grand jury hearing which might bear upon the responsibility of Ellsberg or anyone else for the revelation of the information to the press. This will assist us in pursuing logical leads in the matter.

You have stated in your letter of July 28, 1971, that you do not intend to suggest a departure from established Bureau procedures in handling the foregoing matters. Accordingly, our investigations will be

--- WRW:ams

--- (12)

SEE NOTE, PAGE 2

The Attorney General

directed toward establishing violations of the espionage statutes in keeping with the policy outlined in the Attorney General's memorandum of May 9, 1952, captioned "Unauthorized Disclosure of Classified Information to the Press." We will keep the Internal Security Division of the Department apprised of developments in our investigations and at such time as a determination is made that no statutory violation under this Bureau's jurisdiction is involved, it is requested that I be informed.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Internal Security Division

NOTE:

See cover memorandum Wannall to Brennan, 8/3/71, same caption, prepared by WitW:mas.

- 1 - Mr. Callahan
- 1 - Mr. L. O'Neil
- 1 - Mr. Bishop
- 1 - Mr. DeLoach
- 1 - Mr. Brennan
- 1 - Mr. Wamali
- 1 - Mr. Wagoner

August 2, 1971

BY LIAISON

The President
The White House
Washington, D. C.

Dear Mr. President:

I have received your letter of July 29, 1971, which requested certain information for Mr. Felt Krogh relative to our continuing investigation of Daniel Ellsberg, as well as information regarding individuals of interest to Mr. Krogh in his examination of the circumstances of many recent disclosures of Top Secret and other sensitive material to the public.

The information is being compiled and will be furnished expeditiously to Mr. Krogh in accordance with your request.

Sincerely yours,

ERH:emj:ams
(9)

NOTE:

See cover memorandum W. R. Wannali to C. D. Brennan, captioned "MC LEK," dated 7/31/71, prepared by WRW:ams.

Tolson _____
Felt _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____

Ponder _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____

[Handwritten signatures and initials]

C. D. Brennan .

W. R. Wannall

UNAUTHORIZED DISCLOSURES
OF CLASSIFIED INFORMATION

1 - Mr. Sullivan

1 - Mr. Mohr

August 9, 1971

1 - Mr. Bishop

1 - Mr. Dalbey

1 - Mr. Brennan

1 - Mr. Wannall

1 - Mr. Harrell

Policy

A restriction against interviews of news media personnel placed by the Department and certain investigations which we have learned are being conducted by other departments are hampering or are in conflict with our investigation of the Ellsberg case and the various cases relating to unauthorized disclosures of classified information. This should be called to the attention of the Attorney General and he should be requested to define areas to which our investigation should be confined and to advise of any limitations and/or restrictions on same.

There have been four recent instances where a restriction has been placed on us or where we have learned other officials or departments are conducting open investigation in the Ellsberg case and the leak cases, all of which have been specifically referred to the Bureau for investigation. They are as follows:

(1) On 7/3/71 Assistant Attorney General Mardian stated that there should be no direct contacts with any reporters or newspaper personnel. The previous day we had asked the Attorney General if interviews of this type would conflict with planned Departmental action since we contemplated early interviews with certain news media personalities.

(2) On 7/21/71 when Agents endeavored to interview Mr. Charles W. Cooke, Special Assistant to Secretary of Health, Education and Welfare, they were advised Cooke would not submit to FBI interview in absence of clearance from the Deputy Attorney General, and it was learned for the first time that Departmental officials had been handling this phase of the case and that two Department attorneys had been designated to conduct the interview of Cooke.

(3) On 8/6/71 when Agents advised a Department of Defense official that we were planning to interview Thomas W. Scoville, Office of the Chief of Military History, Department of the Army, they were asked to defer the interview to the Department of Defense. There are indications that General Counsel J. Fred Buzhardt of that Department desires that Department of Defense investigators conduct all interviews of military personnel and civilian employees of Defense Department. This is most undesirable from our standpoint, since the "McNamara

Enclosure and 5 10 11

WRW:ams

(8)

CONTINUED - OVER

Memorandum for Mr. Brennan
Re: UNAUTHORIZED DISCLOSURES
OF CLASSIFIED INFORMATION

Study" was prepared by Department of Defense and selected persons who worked on the papers with Daniel Ellsberg must be interviewed to round out our investigation.

[REDACTED]

It is evident a number of officials and departments are conducting active investigations into matters which have been referred to us for thorough investigation by the Department. We were not aware of this until we came upon it during our own investigative efforts. The situation is undesirable and should be clarified.

ACTION:

If approved, attached letter will be sent to the Attorney General, with copies for the Deputy Attorney General and Assistant Attorney General, Internal Security Division, calling attention to these four situations and requesting advice concerning the specific areas to which our investigation should be confined, as well as advice as to limitations and/or restrictions which are placed on our investigation.

Dem CB *WBS* ✓ *Dghl* *SD*

Send copy of this memo to A.G. & Kough at WBS 7

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. Carl Fardley

1 - Mr. W. Mark Felt
1 - Mr. W. R. Wannall

Mr. Felt ☒
Mr. Baker ☒
Mr. Callahan ☐
Mr. Cleveland ☐
Mr. Conrad ☐
Mr. Gebhardt ☐
Mr. Jenkins ☐
Mr. Marshall ☐
Mr. Miller, E.S. ☒
Mr. Soyars ☐
Mr. Thompson ☐
Mr. Walters ☐
Tele. Room ☐
Mr. Kinley ☐
Mr. Armstrong ☐
Mr. Bowers ☐
Mr. Herington ☐
Ms. Herwig ☐
Mr. Mintz ☐
Mrs. Neenan ☐

TO : Mr. W. Mark Felt

DATE: 5/12/73

FROM : E. S. Miller *EM*

1 - Mr. J. R. Wagoner

SUBJECT: UNITED STATES vs. ANTHONY JOSEPH RUSSO, JR.
AND DANIEL ELLSBERG

In dismissing the case against captioned individuals, Judge W. Matt Byrne, U. S. District Court, Los Angeles, stated that his ruling was based, among other things upon the FBI's knowledge and approval of the special unit in The White House, of which Hunt and Liddy were members, despite the fact the FBI had investigative jurisdiction in this case. This memorandum deals with notification to this Bureau by The White House of its interest in this case, the assignment of investigative jurisdiction to this Bureau by the Department, difficulties encountered from other agencies conducting parallel investigations, and our responses thereto.

Following the publication of certain classified documents in "The New York Times" edition of June 13, 1971, Assistant Attorney General Robert C. Mardian telephoned former Assistant to the Director William C. Sullivan on June 14 and 15, 1971, requesting that the FBI conduct all necessary investigation in this matter. According to Assistant Attorney General Mardian, the request emanated from the Attorney General. Requests were given to interview certain individuals who allegedly had knowledge of the case. It was noted by Assistant Attorney General Mardian that the Department of Defense would have its own security personnel look into other developments and aspects of the case. Two memoranda W. C. Sullivan to Mr. C. A. Tolson, June 15, 1971, are attached.

The results of the above interviews were furnished to the Attorney General by letter dated June 16, 1971, copy of which is attached. The Attorney General was advised that this Bureau was proceeding with the investigation requested on an expeditious basis and that results would be furnished to the Internal Security Division.

REC-64

LEB: jlk

(5)

ENCLOSURE

ENCLOSURE ATTACHED

ST-102

CONTINUED - OVER

Jew

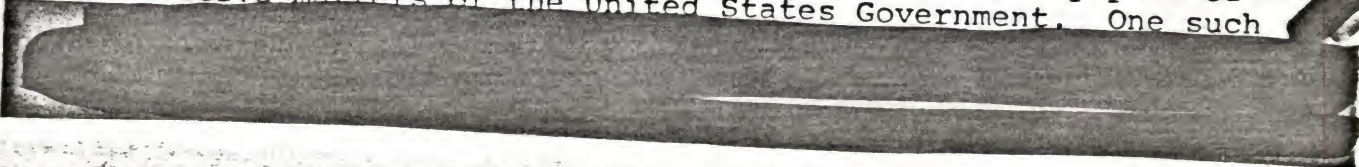
84 JUN 14 1973

Memorandum to Mr. W. Mark Felt
Re: United States vs. Anthony Joseph Russo, Jr.
and Daniel Ellsberg

On July 6, 1971, Mr. H. R. Haldeman of The White House called former Director J. Edgar Hoover and stated that the President had asked Mr. Haldeman to see if a current progress report on the investigation of the publication of stolen documents (the Pentagon Papers) could be obtained. Former Director Hoover advised Mr. Haldeman that that could be done. Mr. Haldeman requested also that there be periodic status reports and it was agreed that weekly progress reports would be furnished to The White House. Memorandum dated July 6, 1971, from Mr. Hoover attached.

On July 12, 1971, Brigadier General Joseph Cappucci of the Office of Special Investigations (OSI) U.S. Air Force, visited Mr. W. C. Sullivan. The General stated that Mr. J. Fred Buzhardt, General Counsel for the Secretary of Defense, had requested OSI to enter the case relating to the publication of the "Pentagon Papers" and to look into the role of Daniel Ellsberg in the case. It was stated that OSI inquiry would be limited strictly to individuals currently on active duty in the armed forces and that under no circumstances would the FBI's jurisdiction be infringed upon. The Attorney General was advised by letter dated July 14, 1971, of General Cappucci's visit. The Attorney General was advised that to preclude duplication of effort or jurisdictional problems the FBI would maintain contact with General Cappucci. Our letter to the Attorney General of July 14, 1971, is attached.

On July 24, 1971, Inspector Briggs J. White of the FBI Laboratory and Mr. W. Mark Felt attended a meeting at The White House. The meeting was chaired by Mr. Egil Krogh. Representatives from the Office of Secretary of Defense, plus Assistant Attorney General Mardian and David Young and E. Howard Hunt, from The White House, were in attendance. The subject under discussion was various leaks to newspapers of sensitive matters of the United States Government. One such



Memorandum to Mr. W. Mark Felt
Re: United States vs. Anthony Joseph Russo, Jr.
and Daniel Ellsberg

[REDACTED]

On July 27, 1971, Mr. Krogh from The White House called Mr. Felt and advised that a decision had been made to have the Central Intelligence Agency (CIA) conduct all polygraph examinations in this matter. Mr. Krogh stated that if the Bureau had no objections he would instruct the Defense Department to arrange with CIA for Mr. Van Cleave's polygraph examination. Mr. Felt stated that the Bureau had no objection to that procedure. Memorandum of Mr. Felt to Mr. Tolson of July 7, 1971, dealing with Mr. Krogh's contact is attached.

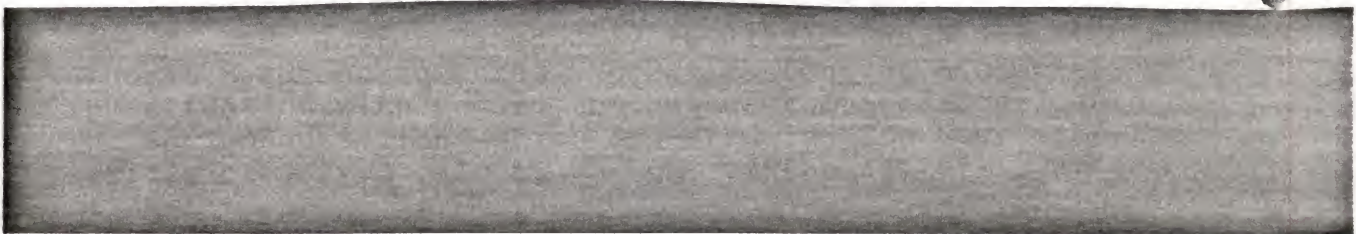
By letter dated July 28, 1971, the Attorney General called attention to the fact that there had been recent disclosures of sensitive materials to the press and that President was vitally concerned with all aspects of leaks of classified information. The Attorney General noted that the FBI's investigation of the Daniel Ellsberg case should be as broad in scope as the evidence the Bureau uncovered indicated was necessary for a full and complete appraisal of the problem relating to leaks of classified information. This was in response to the FBI's reporting to the Attorney General that in the absence of a specific request from the Attorney General the Bureau would not expand inquiries to include investigation of officials or personnel of the various other newspapers which have released articles which may have been based upon the "McNamara Study" (the Pentagon Papers). A copy of Attorney General's letter and our letter of July 22, 1973, to which it referred, are attached.

Memorandum to Mr. W. Mark Felt
Re: United States vs. Anthony Joseph Russo, Jr.
and Daniel Ellsberg

By letter dated August 4, 1971, the Attorney General was advised that the FBI would expand its inquiries to include investigations of officials and employees of news media publishing classified documents. It was noted that the Bureau's investigations would be directed toward establishing violations of the espionage statutes. A copy of memorandum W. R. Wannall to Mr. C. D. Brennan dated August 3, 1971 and letter to the Attorney General of August 4, 1971, is attached.

By memorandum dated July 29, 1971, the President directed a letter to former Director Hoover in which he stated that he had directed Mr. Krogh to examine in depth the circumstances of recent disclosures of top secret and other sensitive material to the public. He noted that it was vital to the security of the United States that appropriate and immediate steps be taken to correct the procedures and practices which led to the disclosures. In order to assist Mr. Krogh, the President asked Mr. Hoover to forward to him as soon as possible background information and available interviews of individuals named on an attachment to the letter and a comprehensive background paper on Daniel Ellsberg. The President further requested that Mr. Krogh be provided with "such other further information or investigation as he may, in the future, request." It was also requested that results of the continuing investigation in the matter be furnished to Mr. Krogh. The President's letter of July 29, 1971, to Mr. Hoover is attached.

By letter of August 2, 1971, the President was advised that the information requested in his letter of July 29, 1971, was being compiled and would be furnished to Mr. Krogh. A copy of this letter is attached.




Memorandum to Mr. W. Mark Felt
Re: United States vs. Anthony Joseph Russo, Jr.
and Daniel Ellsberg

Thereafter when the existence of overlapping of investigative effort and multiple instructions from the Department occurred, a letter was directed to the Attorney General on August 9, 1971, requesting clarification of certain matters. Noting that the Attorney General's letter of July 28, 1971, stated that the Bureau's investigation of Daniel Ellsberg should be as broad in scope as the evidence uncovered indicated, it was pointed out that interviews of individuals who had pertinent information was an important part of investigation. It was noted that Assistant Attorney General Mardian on July 3, 1971, stated that there should be no direct contacts with reporters or newspaper personnel. The Attorney General was requested to advise when the restriction could be removed.

Additionally in the above letter it was pointed out that Mr. Charles W. Cook, Special Assistant to the Secretary of Health, Education and Welfare (HEW) declined to be interviewed in the absence of clearance granted by the then Deputy Attorney General Richard G. Kleindienst. It was noted that it was learned for the first time that officials of the Department had been handling that phase of the investigation and that two attorneys of the Internal Security Division of the Department had been designated to conduct the interview with Mr. Cook.

The above letter also called attention to the fact that General Cappucci of OSI had previously advised the Bureau that OSI had been requested to enter the case. The Bureau in pursuing efforts to coordinate the case with OSI contacted General Cappucci's assistant to inform him that the Bureau intended to interview Mr. Thomas W. Scoville of Department of the Army. The Bureau was then advised at that time to defer the interview because it was the opinion of the General Counsel that interviews of military personnel and civilian employees of the Department of Defense should be conducted by investigators of the Department of Defense.



Memorandum to Mr. W. Mark Felt
Re: United States vs. Anthony Joseph Russo, Jr.
and Daniel Ellsberg

[REDACTED]

In the above letter it was noted that a number of officials or departments were conducting active investigations in the Ellsberg case and other leak cases. The Attorney General was requested to advise the FBI as to the specific areas to which he desired the Bureau investigations be confined. The Attorney General was also requested to specifically define any limitations and/or restrictions which should be observed by the FBI in pursuing the investigations. The August 9, 1971, letter to the Attorney General plus memorandum W. R. Wannall to Mr. C. D. Brennan of the same date are attached.

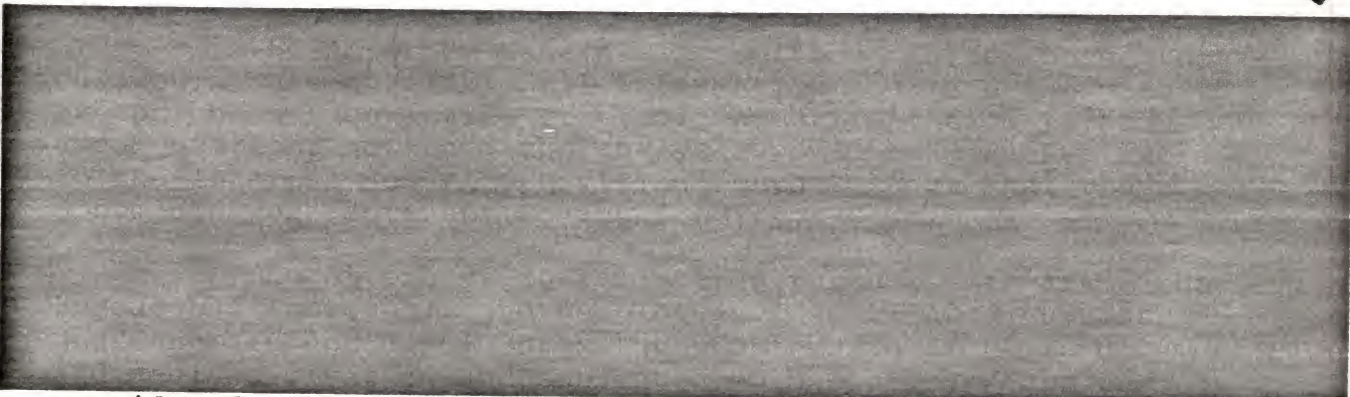
A copy of the letter of August 9, 1971, to the Attorney General was furnished on August 10, 1971, to Mr. Krogh at The White House.

By memorandum dated August 6, 1971, Mr. Egil Krogh of The White House noted that the material previously furnished to him by the FBI had been reviewed. Mr. Krogh asked that the full resources of the FBI be utilized to intensify and widen the scope of the investigation of the "leak" problem as it related directly to or indirectly to the Ellsberg case. Mr. Krogh noted also that in view of President's direct concern and insistence on solving the problem of unauthorized disclosure, it would be appreciated if future investigation could be conducted on a "Bureau special" basis. By letter dated August 10, 1971, Mr. Krogh was advised that his request was being complied with. The memorandum of August 6, 1971, from Mr. Krogh and our reply of August 10, 1971, are attached.

On August 16, 1971, the Attorney General by letter stated that there was no restriction on the Bureau in conducting interviews with representatives of the press except for Neil and Susan Sheehan, potential defendants in the case. The Attorney General also stated that Charles M. Cook had been interviewed

Memorandum to Mr. W. Mark Felt
Re: United States vs. Anthony Joseph Russo, Jr.
and Daniel Ellsberg

by Departmental attorneys at the specific request of Secretary Elliot Richardson of HEW and the request had been made with the approval of The White House. It was noted that Mr. Cook was to be reinterviewed by the attorneys in the near future and following the reinterview a request would be made of Secretary Richardson that any restraints imposed on further interview of Cook be lifted.



considered. The Bureau was directed to conduct its investigation under the assumption that any pertinent documents, except as expressly limited, would be declassified at the proper time. Additionally, it was stated that the Bureau was free to interview any Department of Defense or Department of State personnel deemed necessary; however, with regard to Department of State personnel prior arrangements should be made through the Office of Security, U.S. Department of State. A copy of Attorney General's letter of August 16, 1971, is attached.

ACTION:

None. For information.

Enclosures (19)

W. Mark Felt

EM

unfiled

Memorandum

Bishop _____
 Brennan, C.D. _____
 Callahan _____
 Casper _____
 Conrad _____
 Dalbey _____
 Felt _____
 Gale _____
 Rosen _____
 Tavel _____
 Walters _____
 Soyars _____
 Tele. Room _____
 Holmes _____
 Gandy _____

TO : Mr. C. A. Tolson

DATE: 6/15/71

FROM : ~~W. C. Sullivan~~ *WCS/11*

- 1 - Mr. C. A. Tolson
- 1 - Mr. T. E. Bishop
- 1 - Mr. C. D. Brennan
- 1 - Mr. A. Rosen
- 1 - Mr. W. C. Sullivan

SUBJECT: PUBLICATION BY THE
 NEW YORK TIMES *2:17 PM*
 U.S. - VIETNAM RELATIONS
 1945-1967

Walters
Walters

B

Late last night Mr. Robert C. Mardian, Assistant Attorney General, Internal Security Division, called me. He said the Attorney General wanted the FBI to immediately this morning interview two people to determine what they know about how the New York Times secured the material relative to the above captioned subject matter. By way of background on Sunday, June 13, 1971, the New York Times began printing a series of articles purporting to present a history of decision-making process by the United States on Vietnam policy for the period 1945-1967. The document from which this material was secured is classified "Top Secret" and is regarded as being extremely sensitive.

See Vietnam

D.C. The two people that the Attorney General wants to have the FBI interview immediately this morning are Mr. Leslie Gelb and General Robert Hixon. Mr. Leslie Gelb at the time the document was prepared was Deputy Assistant Secretary of Defense and later went over to the Department of State. General Robert Hixon at the time the document was prepared was Military Executive Officer to the Secretary of Defense. He is currently assigned in Vietnam but today he is on annual leave in Washington, D. C. General Hixon was involved in the distribution of the material at the time and the interview with him should cover this aspect as well as other relevant aspects. Mr. Leslie Gelb directed the study at the time and on interviewing him it should be

WCS:cb
 (6)

REC 43

CONTINUED - OVER
 1 JUN 17 1971

87 JUN 28 1971

RV 109

65-74060

Memorandum to Mr. Tolson
Re: Publication By The
New York Times
U.S. - Vietnam Relations
1945-1967

realized that he has a comprehensive knowledge within this context.

Mr. Mardian said that the Department of Defense will have its own security personnel look into other developments and aspects of this case. He said Mr. J. Fred Buzhardt will be handling the matter for the Department of Defense.

I told Mr. Mardian that the Director will have to make the decision in this matter and that the Attorney General's request will be promptly relayed to the Director in the morning. He said this will be very satisfactory.

RECOMMENDATION:

That the Director advise as to what he wants done in this matter.

OK.
A

WED

V. per
WBS

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: 5/21/73

FROM : E. S. Miller *Em/inf*

SUBJECT: DANIEL ELLSBERG CASE

2
Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. ☒
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz ☒
Mr. Eardley _____
Mrs. Hogan _____

Charles W. Colson, former Special Counsel to the President, was interviewed in an effort to develop information regarding the financing of the burglary operation committed by E. Howard Hunt and his associates of the office of Ellsberg's psychiatrist. Colson said he requested on an unspecified date, \$5,000 from [REDACTED]

[REDACTED] This money was delivered to the office of Egil Krogh. Colson had a vague recollection that the original request for these funds may have come from John Ehrlichman. The Acting Director has inquired as to "What potential criminal violations are involved here?"

Colson, when interviewed on 5/8/73 about his knowledge of the so-called "Special Unit" of the White House, advised he could not recall any of these persons going to California but had a vague recollection that about that time John Ehrlichman spoke to him about getting some funds, maybe for Krogh. Subsequent to this interview, Colson contacted people from whom he might have obtained funds in an effort to refresh his recollection. On 5/16/73, Colson advised one of these individuals was [REDACTED] told him that he, Colson, had asked him for \$5,000. Neither Colson nor [REDACTED] could recall the specific date of this request. According to Colson he was informed by [REDACTED] that he, Colson, had asked him to deliver \$5,000 to Krogh. Colson said he went to [REDACTED] because [REDACTED] was a friend and that the money came from [REDACTED] personal funds. Colson repaid [REDACTED] within a couple of weeks with money obtained from a political committee in Washington, the exact name of which Colson could not recall.

ST-102

REC-64

65-74060-17340
JUN 11 1973

The California Penal Code, Section 459, defines burglary as any person who enters any room to commit a felony. Section 182 provides for conspiracy to commit a felony.

65-74060

1-Mr. Eardley
1-Mr. Gebhardt
1-Mr. Miller
1-Mr. Mintz

1-Mr. Wagoner

JRW:nlb (6)

ROUTE IN ENVELOPE

(CONTINUED - OVER)

Davis

84 JUN 14 1973

Memorandum to Mr. Felt
Re: DANIEL ELLSBERG CASE

If it could be proved that the \$5,000 was used to finance the burglary of the office of Ellsberg's psychiatrist, any persons having such knowledge and were connected with the transfer of these funds to E. Howard Hunt, et al., could be charged with conspiracy to violate Section 459 of the California Penal Code. There is no violation within FBI jurisdiction.

If it could be proved that the \$5,000 was part of Republican Campaign funds and was acquired subsequent to 4/7/72, failure to declare these funds would be of investigative interest to the Comptroller General. It is noted, however, that Colson contends the money came from [redacted] personal funds. Washington Field Office has been instructed to interview Joseph Baroody in an effort to obtain additional details regarding the \$5,000.

ACTION: You will be advised of the results of the interview of [redacted]

DAB
RSC

rel EM

Review of California State Bar records
provided by Legal Council. JRM

WHL

~~7~~

WGC

Statement Issued on Walters Testimony

Statement by Sen. Stuart Symington, Acting Chairman, Senate Committee on Armed Services, in Watergate testimony.

In sworn testimony before the Senate Armed Services Committee yesterday, Monday, May 14, the deputy director of the CIA, Lt. Gen. Vernon Walters, testified to a remarkable series of events:

On June 23, 1972, General Walters, who had been at the CIA about six weeks, said he was asked to go to the White House with CIA Director Richard Helms at 1 p.m. that afternoon. There they met with Mr. H. R. Haldeman and Mr. John Ehrlichman in the latter's office. General Walters said he was told by Mr. Haldeman that the Watergate incident might be exploited by the opposition, and that it had been decided that he, Walters, should go to the acting FBI director, Mr. Patrick Gray, and should tell Mr. Gray that if the FBI pursued an investigation of certain funds in Mexico, connected with the Watergate case, this inquiry would compromise certain CIA activities and resources in Mexico. Mr. Haldeman specifically bypassed General Walters' superior, Mr. Helms, in asking that only General Walters visit Mr. Gray.

General Walters further testified that an appointment with Mr. Gray was made for him immediately and that he went to see Mr. Gray an hour later. According to his testimony, he told Mr. Gray that senior people at the White House, whom he did not name, had told him that pursuit of the investigations of Mexican financing would uncover some of the agency's clandestine activities. Mr. Gray reportedly responded that

he was aware that the FBI and CIA do not uncover one another's sources and operations.

General Walters stated, however, that on his return to the agency he checked and discovered that investigation of the Mexican financial affair would not compromise any CIA clandestine assets.

General Walters testified further that Mr. John W. Dean III called him on the following Monday, June 26, and wanted to talk with him about the substance of his conversation with Mr. Haldeman and Mr. Ehrlichman the previous Friday. Mr. Dean reportedly said that General Walters could call Mr. Ehrlichman to insure that it was all right to talk with him. General Walters then called Mr. Ehrlichman who told him he could speak with Mr. Dean.

General Walters then testified that at 11:45 a.m. that same day, June 26, he went to see Mr. Dean. Mr. Dean reportedly received him alone. General Walters stated that he told Mr. Dean that after talking with Mr. Gray he had looked into the matter and that the agency was not compromised in any way in the Watergate buging, and that there was no CIA involvement in the case.

Following this Monday meeting, General Walters stated that he returned to the CIA and told Mr. Helms of his conversation with Mr. Dean, and of his denial of any agency involvement in the Watergate case. According to General Walters, Mr. Helms told him that he had handled the situation just right. General Walters also testified that he constantly checked with Mr. Helms during the following events and that Helms assured General Walters that he was acting correctly.

The next day, June 27, Mr.

*General Walters
testimony,
news paper*

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

The Washington Post Times Herald *A-8*

The Evening Star (Washington) _____
The Sunday Star (Washington) _____
Daily News (New York) _____
Sunday News (New York) _____
New York Post _____
The New York Times _____
The Daily World _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____

Date 5/16/73

ENCLOSURE

Dean reportedly called General Walters again, and General Walters again went to see him at his office. Mr. Dean reportedly asked if there was some way the CIA could go bail or pay the salaries of the individuals accused in the Watergate case while they were in jail. General Walters stated that he told Mr. Dean that there was no way this could be done, that any internal expenditure of funds by the CIA must be reported to the House and Senate Oversight Committees. General Walters stated that he told Mr. Dean that to spend funds in this way would implicate the agency, and that he, General Walters, was prepared to resign rather than to do this.

General Walters testified that the next day, June 28, Mr. Dean called him again, and that he went to see Mr. Dean for a third time. Mr. Dean reportedly asked if there could have been some CIA involvement that General Walters did not know about. General Walters said he stated that there could be. At one point in the conversation, according to General Walters, Mr. Dean asked if General Walters had any ideas, and General Walters replied, yes, that anyone who was responsible should be fired.

General Walters further testified that he told Mr. Dean that he would have no part in attempting to compromise the CIA in something in which it was not in fact compromised. He said that, if ordered to do so, he would ask to see the President and to explain to him how dangerous he thought such an action would be.

On July 5, General Walters received a call, according to his testimony, from Mr. Patrick Gray, the acting director of the FBI. Mr. Gray, referring to his previous conversation with General Walters, reportedly said that he could not stop the investigation of the Mexican financing unless he received a letter from the director or General Walters stating that such an investigation would damage the agency's assets in Mexico. General Walters testified that he then went to see Mr. Gray the next day, July 6, and told him that he had checked this matter and discovered that such an investigation would not endanger any CIA assets, that the CIA was totally unconnected with the matter, and that the CIA had no interest in stopping any investigation. He then testified that he told Mr. Gray the story of his meeting with Mr. Halde-
man and Mr. Ehrlichman and that he had been told to convey his previous message to Mr. Gray. General Walters testified that he re-
ported to Mr. Gray his de-

termination to resign if there was an attempt to compromise the CIA in this issue.

According to General Walters' testimony, he saw Mr. Gray again on July 12 at the FBI office, and gave him some additional information regarding material which had already been made available to Mr. Gray with regard to the CIA's contact the previous year with Mr. Hunt.

Finally, General Walters testified that in late January or early February, 1973, he told Dr. Schlesinger in a general way of the above matters. He testified that, shortly thereafter, Mr. Dean called Dr. Schlesinger and asked if the CIA could have returned from the FBI the package of material that had been sent to the FBI regarding the assistance furnished to Mr. Hunt the previous year. He testified that he, Mr. Colby, and Dr. Schlesinger discussed the matter and agreed that there was no way this could be done—that it would implicate the CIA in something it was not implicated in.

General Walters then testified that he went to see Mr. Gray that morning—he did not have the date available—and told him of the request by Mr. Dean, and of the CIA's decision.

He testified that he thought he later went to Mr. Dean and told him also, that there was no way the CIA could have this material returned.

With respect to this testimony, I would like to say the following, based upon the facts we have uncovered to date:

"As I stated yesterday, it is clear that senior White House officials were deeply involved in attempts to entangle CIA in the Watergate affair and thus take the pressure off those who were really responsible.

"Because of security clearance and questions with respect to verbatim release of statements which might affect legal proceedings, I do not know when the full transcript of our hearings can be made public. Under those circumstances, I thought this narrative account should be made public.

"It is very clear to me that there was an attempt to unload major responsibility for the Watergate bugging and coverup on CIA. Under these difficult circumstances and heavy pressures, I believe that Director Helms and General Walters, who was at all times operating with the approval of Mr. Helms, behaved very well with respect to this attempt.

"Our inquiry of this and other related matters is continuing and we expect to hear testimony from Mr. Helms this Thursday."

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

The Washington Post Times Herald AS
The Evening Star (Washington) _____
The Sunday Star (Washington) _____
Daily News (New York) _____
Sunday News (New York) _____
New York Post _____
The New York Times _____
The Daily World _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____

Date 5/16/73

DO-6 OFFICE OF ACTING DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

MR. FELT CJ
MR. BAKER _____
MR. CALLAHAN _____
MR. CLEVELAND _____
MR. CONRAD _____
MR. GEBHART
MR. JENKINS _____
MR. MARSHALL _____
MR. MILLER, E. S. ✓
MR. SOYARS _____
MR. THOMPSON _____
MR. WALTERS _____
TEL. ROOM _____
MR. KINLEY _____
MR. ARMSTRONG _____
MR. BOWERS _____
MR. HERINGTON _____
MS. HERWIG _____
MR. MINTZ _____
MRS. NEENAN _____

*but potential
criminal violations
are involved?*

ced

*DIV ~~IV~~ TO HANDLE
IN CONSULTATION
WITH Q.L.C.*

7

See 65-74060-

REC-64

ST-102

10 JUN 11 1975

84 AUG 30 1973

FIVE

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

TELETYPE

Mr. Tolson	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Mr. Holmes	_____
Mr. Gandy	_____
Mr. Nease	_____
Mr. Ponder	_____
Mr. Quinn	_____
Mr. Tamm	_____
Mr. Walters	_____
Mr. Wicks	_____
Miss Gandy	_____

NR019 WF CODED

1012 PM IMMEDIATE 5-16-73 WWC

TO ACTING DIRECTOR (65-74060) ATTN: INTD

LOS ANGELES (105-27952)

FROM WASHINGTON FIELD 65-11613 FOUR PAGES

UNITED STATES VS ANTHONY JOSEPH RUSSO JR.; DANIEL ELLSBURG;
ESPIONAGE, THEFT OF GOVERNMENT PROPERTY, CONSPIRACY.

CHARLES W. COLSON, FORMER SPECIAL COUNSEL TO THE PRESIDENT,
WAS REINTERVIEWED 5/16/73, IN THE PRESENCE OF HIS ATTORNEYS
DAVID SHAPIRO AND JUDAH BEST IN THEIR OFFICE IN WASHINGTON,
D.C. COLSON VOLUNTARILY SIGNED THE WAIVER OF RIGHTS (FD-395).

COLSON'S ATTENTION WAS DIRECTED TO A STATEMENT HE
FURNISHED THE FEDERAL BUREAU OF INVESTIGATION (FBI) IN AN
EARLIER INTERVIEW 5/8/73, WHEREIN HE SAID HE COULD NOT
RECALL UNIT TO CALIFORNIA BUT HAD A VAGUE RECOLLECTION THAT
AT ABOUT THAT TIME JOHN EHRLICHMAN SPOKE TO HIM ABOUT GETTING
SOME FUNDS, MAYBE FOR KROGH, BUT WHEN HE CHECKED WITH

EHRLICHMAN, EHRLICHMAN COULD NOT RECALL THE REQUEST. COLSON
FURNISHED THE FOLLOWING ADDITIONAL INFORMATION:

END PAGE ONE

ROUTE IN ENVELOPE

84 JUN 14 1973

ST-102
REC-64 65-74060-4392
JUN 11 1973
ST-102
cc to AAG, CAA
DAAG, Mammey
JRW

PAGE TWO

THE STATEMENT COLSON GAVE THE FBI ON 5/8/73, IS CORRECT. COLSON DOES NOT RECALL KROGH ASKING FOR FUNDS FOR THE SPECIAL UNIT'S TRIP TO CALIFORNIA. IF KROGH DID MAKE SUCH A REQUEST, HOWEVER, HE WOULD HAVE ASKED ON EHRlichMAN'S BEHALF.

SUBSEQUENT TO INTERVIEW ON 5/8/73, COLSON CHECKED WITH SOME PEOPLE HE MIGHT HAVE GONE TO THEN IF HE HAD NEEDED FUNDS.

AT THE TIME THE REQUEST WOULD HAVE BEEN MADE, COLSON WAS *HELPING TO RAISE MONEY FOR THE COMMITTEE FOR NEW PROSPERITY,*

ORGANIZED TO GENERATE PUBLIC

ADMINISTRATIVE

PRICE FREEZE

SUPPORT FOR THE

RECALLED COLSON HAD CALLED HIM
ONE DAY AND ASKED HIM FOR 5,000 DOLLARS, SAYING THE WHITE HOUSE NEEDED CASH AND COULD *[REDACTED]* MAKE IT AVAILABLE.

[REDACTED] COULD NOT RECALL THE SPECIFIC DATE OF THIS CALL NOR COULD COLSON. *[REDACTED]* TOLD COLSON THAT COLSON ASKED HIM TO DELIVER THIS MONEY TO KROGH AND THAT HE DELIVERED THE MONEY TO KROGH'S OFFICE.

END PAGE TWO

PAGE THREE

ASKED WHY HE WOULD GO TO [REDACTED] FOR FUNDS, COLSON SAID [REDACTED] WAS A FRIEND AND [REDACTED] MAY HAVE HAD MONEY AVAILABLE [REDACTED] THE MONEY ACTUALLY, ACCORDING TO COLSON, CAME FROM [REDACTED] PERSONAL FUNDS AND WAS REPAID TO HIM BY COLSON WITHIN A COUPLE OF WEEKS WITH MONEY COLSON WAS ABLE TO OBTAIN LATER FROM A POLITICAL COMMITTEE IN WASHINGTON, D.C. COLSON COULD NOT RECALL THE NAME OF THE POLITICAL COMMITTEE EXCEPT THAT IT WAS "GOOD GOVERNMENT SOMETHING OR OTHER".

*COLSON SAID IT WAS NOT A COMMON PRACTICE TO RAISE FUNDS IN THIS WAY BUT IT WAS STILL NOT UNCOMMON EITHER. ^HJ. R. WALDEMAN OR JOHN EHRLICHMAN AT TIMES APPROACHED HIM WITH REQUESTS FOR FINANCIAL SUPPORT "FOR WHITE HOUSE PROJECTS". COLSON'S JOB WAS TO MAINTAIN LIAISON WITH GROUPS OUTSIDE THE WHITE HOUSE AND AT TIMES OBTAIN FINANCIAL SUPPORT FOR THE PROJECTS FROM OTHER THAN WHITE HOUSE FUNDS. HE RECALLED GETTING OUT A BOOKLET ON "APPROPRIATED FUNDS AND GOVERNMENT" WITH OUTSIDE SUPPORT.

END PAGE THREE

PAGE FOUR

CONCERNING FINANCIAL SUPPORT FOR THE SPECIAL UNIT UNDER
KROGH AT THE WHITE HOUSE INVESTIGATING THE PUBLIC DISCLOSURE
OF THE PENTAGON PAPERS, COLSON HAD NO KNOWLEDGE OF THE
EXISTENCE OF A SPECIAL FUND TO SUPPORT ITS ACTIVITIES, OR
OTHER FUNDS THAT MAY HAVE BEEN USED TO SUPPORT IT AND RECEIVED
NO OTHER REQUESTS TO ASSIST IN ITS SUPPORT. HOWARD HUNT
WAS PAID A CONSULTING FEE, WHEN WORKING, AS A MEMBER OF
COLSON'S STAFF. EGIL KROGH AND DAVID YOUNG WERE THEN MEMBERS
OF THE WHITE HOUSE STAFF, KROGH WITH THE DOMESTIC COUNCIL
AND YOUNG WITH THE NATIONAL SECURITY COUNCIL. COLSON DID
NOT KNOW UNDER WHAT ARRANGEMENTS GORDON LIDDY WORKED WITH
THE UNIT.

END

WM

WGM FBIHQ CLR FOR UR ONE IMMEDIATE

cc - Mr. Gehlbach

F B I

Date: 5/17/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL

(Priority)

TO: ACTING DIRECTOR, FBI (65-74060)

FROM: SAC, WFO (65-11613)

ATTN: INTELLIGENCE
DIVISION

MC LEK

Enclosed for the Bureau and for Los Angeles are 5 copies each of an LHM reporting a reinterview on 5/16/73 of CHARLES W. COLSON, former Special Counsel to the President.

REQUEST OF THE BUREAU

WFO requests Bureau authority to interview [REDACTED] to verify information furnished by CHARLES W. COLSON and determine if [REDACTED] can furnish additional information.

REC-64

REC-64

4393

JUN 11 1973

ENCLOSURE ST-102

- 2 - Bureau (Enc.5)
- 2 - Los Angeles (105-27952) (Enc.5)
- 1 - WFO

CAR:jak
(5)

JUN 11 1973

2cc AAG, CRIS -

ATTN: KEVIN T. MARONEY

JRW

Approved: _____

Sent _____ M Per _____

84 JUN 14 1973 Special Agent in Charge



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Washington, D. C. 20535
May 17, 1973

DANIEL ELLSBERG;
ANTHONY JOSEPH RUSSO, JR.

This memorandum reports reinterview of Charles W. Colson, former Special Counsel to the President, concerning financial assistance he may have rendered to a special unit under Egil Krogh conducting investigation in the Pentagon Papers matter on behalf of the White House.

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RECOMMENDATIONS NOR CONCLUSIONS OF
THE FBI. IT IS THE PROPERTY OF
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DISTRIBUTED OUTSIDE YOUR AGENCY.

65-7411-4393

ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION

5/17/73

Date of transcription

CHARLES W. COLSON, former Special Counsel to the President, was reinterviewed May 16, 1973, in the presence of his attorneys DAVID SHAPIRO and JUDAH BEST in their office, 1735 New York Avenue, N.W., Washington, D. C. (WDC). COLSON voluntarily signed a Waiver of Rights (FD 395).

COLSON's attention was directed to a statement he furnished the Federal Bureau of Investigation (FBI) in an earlier interview May 8, 1973, wherein he said he could not recall EGIL KROGH asking him for money for the trip by the special unit to California but had a vague recollection that at about that time JOHN EHRLICHMAN spoke to him about getting some funds, maybe for KROGH, but when he checked with EHRLICHMAN, EHRLICHMAN could not recall the request. COLSON furnished the following additional information:

The statement COLSON gave the FBI on May 8, 1973, is correct. COLSON does not recall KROGH asking for funds for the special unit's trip to California. If KROGH did make such a request however, he would have asked on EHRLICHMAN's behalf.

Subsequent to interview of May 8, 1973, COLSON checked with some people he might have gone to then if he had needed funds. At the time the request would have been made, COLSON was helping to raise money for the Committee for New Prosperity, organized to generate public support for the Administration's price freeze.

[REDACTED]
[REDACTED] One of the people he checked with was [REDACTED]
[REDACTED] recalled COLSON had called him one day and asked him for \$5,000, saying the White House needed cash and could he [REDACTED] make it available. [REDACTED] could not recall the specific date of this call nor could COLSON. [REDACTED] told COLSON that COLSON asked him to deliver this money to KROGH and that he

Interviewed on 5/16/73 at Washington, D. C. File # 65-11613
by [REDACTED] CAR:jak [REDACTED] Date dictated 5/17/73

[REDACTED] delivered the money to KROGH's office.

Asked why he would go to [REDACTED] for funds, COLSON said [REDACTED] was a friend and [REDACTED] may have had money available. The money actually, according to COLSON, came from [REDACTED] personal funds and was repaid to him by COLSON within a couple of weeks with money COLSON was able to obtain later from a political committee in WDC. COLSON could not recall the name of the political committee except that it was "Good Government something or other."

COLSON said it was not a common practice to raise funds in this way but it was still not uncommon either. H. R. HALDEMAN or JOHN EHRLICHMAN at times approached him with requests for financial support "for White House projects." COLSON's job was to maintain liaison with groups outside the White House and at times obtain financial support for the projects from other than White House funds. He recalled getting out a booklet on "Appropriated Funds and Government" with outside support.

Concerning financial support for the special unit under KROGH at the White House investigating the public disclosure of the Pentagon Papers, COLSON had no knowledge of the existence of a special fund to support its activities, or other funds that may have been used to support it and received no other requests to assist in its support. HOWARD HUNT was paid a consulting fee, when working, as a member of COLSON's staff. EGIL KROGH and DAVID YOUNG were then members of the White House staff, KROGH with the Domestic Council and YOUNG with the National Security Council. COLSON did not know under what arrangements GORDON LIDDY worked with the unit.

Intelligence Division

INFORMATIVE NOTE

Date 5/16/73

1 - Mr. Eardley

Attached from Washington Field reports results of reinterview on 5/16/73 of Charles W. Colson, former Special Counsel to the President.

When interviewed 5/8/73, Colson said he could not recall special unit going to California but had vague recollection that at about that time John Ehrlichman spoke to him about getting some funds, maybe for Krogh, but that Ehrlichman could not recall the request.

In reference to the earlier interview, Colson said it was correct. Subsequently, Colson checked with people he might have contacted if he needed funds when the request was made. Colson was helping to raise money for the Committee for New Prosperity (CNP). [REDACTED]

[REDACTED] recalled Colson requesting \$5,000 and asking if Baroody could make it available. Neither [REDACTED] nor Colson recalled the specific date. [REDACTED] told Colson that Colson asked him to deliver this money to Krogh and that he delivered the money to Krogh's office. Colson said he went to [REDACTED] because [REDACTED] was a friend and may have had money available. According to Colson, the money actually came from [REDACTED] personal funds.

CONTINUED - OVER

NOT. CONTINUED

Colson repaid [REDACTED] within a couple of weeks with money obtained from a political committee in Washington, name unrecalled except that it was "Good Government something or the other." Colson said it was not common practice to raise funds this way but was still not uncommon. Haldeman or Ehrlichman at times approached him with request for financial support for "White House projects." Colson's job was to maintain liaison with groups outside The White House and at times obtain support for projects from other than White House funds.

Colson had no knowledge of the existence of a special fund to support the activities of the special unit under Krogh at The White House investigating the public disclosure of the Pentagon Papers or other funds that may have been used to support it and received no other requests to assist in its support. Howard Hunt was paid consulting fee as member of Colson's staff. Egil Krogh and David Young were members of White House staff; Krogh with Domestic Council and Young with National Security Council. Colson did not know under what arrangements Gordon Liddy worked with the unit.

Copies of attached furnished to Deputy Assistant Attorney General, Criminal Division, Kevin T. Maroney, and Assistant Attorney General Henry E. Petersen.

JHK:mcl



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20535
May 30, 1973

DANIEL ELLSBERG
ANTHONY JOSEPH RUSSO, JR.

This memorandum reports an interview May 30, 1973, at Washington, D. C. with [REDACTED] concerning a sum of money he raised in 1971 at the request of Charles W. Colson, then Special Counsel to the President.

THIS DOCUMENT CONTAINS NEITHER
RECOMMENDATIONS NOR CONCLUSIONS OF
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DISTRIBUTED OUTSIDE YOUR AGENCY.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/30/73

1

[REDACTED]
[REDACTED] was interviewed in the presence of his attorney.

[REDACTED] was advised the interview was to determine what knowledge he had of an alleged request to him in 1971 from CHARLES W. COLSON, then Special Counsel to the President, for a sum of money to be delivered to EGIL KROGH. [REDACTED] was presented a Waiver of Rights Form (FD 395) which he and Mr. [REDACTED] read. On the advice of his attorney [REDACTED] declined to sign the Waiver indicating it was not necessary and consented to interview. He furnished the following information:

[REDACTED] is not certain and cannot swear to the fact that KROGH received any money from him. He does recall receiving a request from COLSON, probably by telephone, for a temporary loan of money that was needed immediately and receiving assurances from COLSON the money would be returned.

[REDACTED] could not recall the time the request was made. It was probably during the late Summer or early Fall, 1971. Nor could he recall the amount requested. It could have been any amount from \$3,000 to \$5,000 but may have been as low as a couple thousand.

[REDACTED] could not recall the specific words used by COLSON in making the request. His best recollection of the conversation is that COLSON told him "they needed it". He understood "they" referred to the White House, but COLSON did not mention the name of any specific individual.

[REDACTED] took the money from funds then available to him in his own office. He could not identify the source of the

Interviewed on 5/30/73 at Washington, D. C. File # 65-11613
SA [REDACTED]
and SA [REDACTED] CAR:jak Date dictated 5/30/73
by [REDACTED]

funds precisely. He had money belonging to both [REDACTED] [REDACTED] The money may have been drawn from a mixture of these funds.

On the same day the request was received [REDACTED] brought the money in cash in an envelope to COLSON's office at the Executive Office Building (EOB). He believes COLSON then told him to take the money to another office in the same building and deliver it to whoever was present. He could not recall to what office he then delivered the money. It was located in the EOB, on the same floor with COLSON's office and may have also been on the same corridor with COLSON's office.

[REDACTED] gave the money to an unknown man in the office designated by COLSON. He did not receive a receipt and had no discussion with this person about the cash. Whether it was KROGH who took the money from him, [REDACTED] could not say. To his knowledge, [REDACTED] has never met KROGH, DAVID YOUNG, HOWARD HUNT or GORDON LIDDY.

[REDACTED] was repaid the money about a week or ten days later through arrangements made by COLSON. COLSON did not personally repay the loan. Either COLSON, or someone from COLSON's office notified him arrangements for repayment had been made and that [REDACTED] could pick the money up at [REDACTED] office.

[REDACTED] went to [REDACTED] office, then located on [REDACTED]. He was told [REDACTED] was not present but a woman in that office, possibly [REDACTED] personal secretary gave him the money. He does not believe he executed a receipt for it. He did not know how [REDACTED] office got the money.

[REDACTED] has no knowledge of the use made of the money he delivered for COLSON nor did he receive any additional, similar requests from COLSON for cash in this time frame of 1971.

WFO 65-11613

3

Concerning the sum of money requested by COLSON, while he cannot recall the amount asked, [REDACTED] feels the sum he delivered came close to fulfilling the request. He may not have been able to deliver the total amount asked and may have "missed by a little bit".

COLSON called [REDACTED] sometime within the past two or three weeks, trying to "pin down information about the loan". COLSON was looking for the same information he [REDACTED] was then furnishing to the FBI.

[REDACTED] advised [REDACTED] is currently associated with the [REDACTED]

Domestic Intelligence Division

INFORMATIVE NOTE

Date 5/25/73ELLSBERG CASE

Attached relates to scheduled interview of [REDACTED] by WFO on 5/30/73.

Charles W. Colson, former Special Counsel to the President, was previously interviewed in an effort to develop information regarding the financing of the burglary of the office of Ellsberg's psychiatrist. Colson said he requested on an unrecalled date \$5,000 from [REDACTED]

This money was delivered to the office of Egil Krogh and Colson had a vague recollection the original request for the funds may have come from John Ehrlichman.

We have been attempting to interview [REDACTED] regarding his knowledge of the \$5,000.

JRW:wmc wmc

*JRW**WGC* *Em/psw*
WGN

ROUTE IN ENVELOPE

1 - Mr. C. Eardley Intelligence Division

INFORMATIVE NOTE

Date 5/17/73

Attached from Washington Field reports results of reinterview on 5/16/73 of Charles W. Colson, former Special Counsel to the President.

When interviewed 5/8/73, Colson said he could not recall special unit going to California but had vague recollection that at about that time John Ehrlichman spoke to him about getting some funds, maybe for Krogh, but that Ehrlichman could not recall the request.

In reference to the earlier interview, Colson said it was correct. Subsequently, Colson checked with people he might have contacted if he needed funds when the request was made. Colson was helping to raise money for the [REDACTED]

[REDACTED] was organizing this committee and was one of the people contacted. [REDACTED] recalled Colson requesting \$5,000 and asking if [REDACTED] could make it available. Neither [REDACTED] nor Colson recalled the specific date. [REDACTED] told Colson that Colson asked him to deliver this money to Krogh and that he delivered the money to Krogh's office. Colson said he went to [REDACTED] because [REDACTED] was a friend and may have had money available from funds of the [REDACTED]. According to Colson, the money actually came from [REDACTED]. Colson repaid [REDACTED] within a couple of [REDACTED].

CONTINUED - OVER

NOTE CONTINUED

weeks with money obtained from a political committee in Washington, name unrecalled except that it was "Good Government something or the other." Haldeman or Ehrlichman at times approached him with request for financial support for "White House projects."

Colson had no knowledge of the existence of a special fund to support the activities of the special unit under Krogh at The White House investigating the public disclosure of the Pentagon Papers or other funds that may have been used to support it and received no other requests to assist in its support.

Copies of attached furnished to Deputy Assistant Attorney General, Criminal Division, Kevin T. Maroney, and Assistant Attorney General Henry E. Petersen.

Mr. Maroney has requested FBI interview Baroody in an effort to obtain additional details regarding funds supplied by him to Colson. WFO has been so instructed.

JRW:dln/bkg

JPW

Em/wpm

WFO

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 30 1973

TELETYPE

Mr. Bell	✓
Mr. Baker	
Mr. Callahan	
Mr. Cleveland	
Mr. Conrad	
Mr. Gebhardt	
Mr. Jenkins	
Mr. Marshall	
Mr. Miller	✓
Mr. Soyars	
Mr. Thompson	
Mr. Walters	
Tele. Room	
Mr. Baise	
Mr. Barnes	
Mr. Bowers	
Mr. Ferington	
Mr. Conmy	
Mr. Mintz	
Mr. Eardley	
Mrs. Hogan	

NR008 WF CODED

515 PM IMMEDIATE 5-30-73 WWC

TO ACTING DIRECTOR (65-74060) ATTN: INTD

LOS ANGELES (105-27952)

FROM WASHINGTON FIELD 65-11613 FIVE PAGES

U.S. VS ANTHONY JOSEPH RUSSO, JR.; DANIEL ELLSBERG;
ESPIONAGE, THEFT OF GOVERNMENT PROPERTY, CONSPIRACY.

[REDACTED]
[REDACTED]
[REDACTED] WAS INTERVIEWED IN THE
PRESENCE OF HIS ATTORNEY, [REDACTED] OFFICE,
[REDACTED]

WAS ADVISED THE INTERVIEW WAS TO DETERMINE WHAT KNOWLEDGE HE
HAD OF AN ALLEGED REQUEST TO HIM IN NINETEEN SEVENTYONE FROM
CHARLES W. COLSON, THEN SPECIAL COUNSEL TO THE PRESIDENT, FOR
A SUM OF MONEY TO BE DELIVERED TO EGIL KROGH. [REDACTED]

WAS PRESENTED A WAIVER OF RIGHTS FORM (FD THREE NINE FIVE)
WHICH HE AND [REDACTED] ON THE ADVICE OF HIS ATTORNEY

[REDACTED] DECLINED TO SIGN THE WAIVER INDICATING IT WAS

END PAGE ONE

84 JUN 14 1973

SI-102

REC-65

65-74060-4378

JUN 11 1973

READ

STW

PAGE TWO

NOT NECESSARY AND CONSENTED TO INTERVIEW. HE FURNISHED THE FOLLOWING INFORMATION:

[REDACTED] IS NOT CERTAIN AND CANNOT SWEAR TO THE FACT THAT KROGH RECEIVED ANY MONEY FROM HIM. HE DOES RECALL RECEIVING A REQUEST FROM COLSON, PROBABLY BY TELEPHONE, FOR A TEMPORARY LOAN OF MONEY THAT WAS NEEDED IMMEDIATELY AND RECEIVING ASSURANCES FROM COLSON THE MONEY WOULD BE RETURNED.

[REDACTED] COULD NOT RECALL THE TIME THE REQUEST WAS MADE. IT WAS PROBABLY DURING THE LATE SUMMER OR EARLY FALL, NINETEEN SEVENTYONE. NOR COULD HE RECALL THE AMOUNT REQUESTED. IT COULD HAVE BEEN ANY AMOUNT FROM THREE THOUSAND DOLLARS TO FIVE THOUSAND DOLLARS BUT MAY HAVE BEEN AS LOW AS A COUPLE OF THOUSAND.

[REDACTED] COULD NOT RECALL THE SPECIFIC WORDS USED BY COLSON IN MAKING THE REQUEST. HIS BEST RECOLLECTION OF THE CONVERSATION IS THAT COLSON TOLD HIM "THEY NEEDED IT". HE UNDERSTOOD

END PAGE TWO

PAGE THREE

"THEY" REFERRED TO THE WHITE HOUSE, BUT COLSON DID NOT MENTION THE NAME OF ANY SPECIFIC INDIVIDUAL.

[REDACTED] TOOK THE MONEY FROM THE FUNDS THEN AVAILABLE TO HIM IN HIS OWN OFFICE. HE COULD NOT IDENTIFY THE SOURCE OF THE FUNDS PRECISELY. HE HAD MONEY BELONGING TO BOTH THE [REDACTED]

[REDACTED] THE MONEY MAY HAVE BEEN DRAWN FROM A MIXTURE OF THESE FUNDS.

ON THE SAME DAY THE REQUEST WAS RECEIVED [REDACTED] BROUGHT THE MONEY IN CASH IN AN ENVELOPE TO COLSON'S OFFICE AT THE EXECUTIVE OFFICE BUILDING (EOB). HE BELIEVES COLSON THEN TOLD HIM TO TAKE THE MONEY TO ANOTHER OFFICE IN THE SAME BUILDING AND DELIVER IT TO WHOEVER WAS PRESENT. HE COULD NOT RECALL TO WHAT OFFICE HE THEN DELIVERED THE MONEY. IT WAS LOCATED IN THE EOB, ON THE SAME FLOOR WITH COLSON'S OFFICE AND MAY HAVE ALSO BEEN ON THE SAME CORRIDOR WITH COLSON'S OFFICE.

[REDACTED] GAVE THE MONEY TO AN UNKNOWN MAN IN THE OFFICE

END PAGE THREE

PAGE FOUR

DESIGNATED BY COLSON. HE DID NOT RECEIVE A RECEIPT AND HAD NO DISCUSSION WITH THIS PERSON ABOUT THE CASH. WHETHER IT WAS KROGH WHO TOOK THE MONEY FROM HIM, [REDACTED] COULD NOT SAY. TO HIS KNOWLEDGE, [REDACTED] HAS NEVER MET KROGH, DAVID YOUNG, HOWARD HUNT OR GORDON LIDDY.

[REDACTED] WAS REPAID THE MONEY ABOUT A WEEK OR TEN DAYS LATER THROUGH ARRANGEMENTS MADE BY COLSON. COLSON DID NOT PERSONALLY REPAY THE LOAN. EITHER COLSON, OR SOMEONE FROM COLSON'S OFFICE NOTIFIED HIM ARRANGEMENTS FOR REPAYMENT HAD BEEN MADE AND THAT [REDACTED] COULD PICK THE MONEY UP AT GEORGE [REDACTED] LAW OFFICE.

[REDACTED] WENT TO [REDACTED] OFFICE, THEN LOCATED ON [REDACTED] HE WAS TOLD [REDACTED] WAS NOT PRESENT BUT A WOMAN IN THAT OFFICE, POSSIBLY [REDACTED] PERSONAL SECRETARY GAVE HIM THE MONEY. HE DOES NOT BELIEVE HE EXECUTED A RECEIPT FOR IT. HE DID NOT KNOW HOW [REDACTED] OFFICE GOT

END PAGE FOUR

PAGE FIVE

THE MONEY.

[REDACTED] HAS NO KNOWLEDGE OF THE USE MADE OF THE MONEY HE DELIVERED FOR COLSON NOR DID HE RECEIVE ANY ADDITIONAL, SIMILAR REQUESTS FROM COLSON FOR CASH IN THIS TIME FRAME OF NINETEEN SEVENTYONE.

CONCERNING THE SUM OF MONEY REQUESTED BY COLSON, WHILE HE CANNOT RECALL THE AMOUNT ASKED, [REDACTED] FEELS THE SUM HE DELIVERED CAME CLOSE TO FULFILLING THE REQUEST. HE MAY NOT HAVE BEEN ABLE TO DELIVER THE TOTAL AMOUNT ASKED AND MAY HAVE "MISSED BY A LITTLE BIT".

COLSON CALLED [REDACTED] SOMETIME WITHIN THE PAST TWO TO THREE WEEKS, TRYING TO "PIN DOWN INFORMATION ABOUT THE LOAN". COLSON WAS LOOKING FOR THE SAME INFORMATION HE [REDACTED] WAS THEN FURNISHING TO THE FBI.

[REDACTED] ADVISED [REDACTED] IS CURRENTLY ASSOCIATED WITH THE [REDACTED]

END

~~CORREC: PAGE TWO FIRST PARAGRAPH FIVE THIRD WORD FROM END SHOULD BE~~

~~"WOULD" NOT "WOULD"~~

END

PLS HOLD FOR THREE MORE

a. H. H. H.

Assistant Attorney General
Criminal Division

May 31, 1973

Acting Director, FBI

U. S. vs ANTHONY J. RUSSO, JR., et al.

1 - Mr. Eardley
1 - Mr. E.S. Miller
1 - Mr. J.R. Wagoner

Reference is made to FBI memorandum dated May 14, 1973, and your reply to this memorandum dated May 24, 1973, which concerned the furnishing of FBI information related to the alleged burglary of Daniel Ellsberg's psychiatrist to the Los Angeles County District Attorney's (LACDA's) office.

An article which appeared in the "Los Angeles Times" issue of May 29, 1973, alleged that Federal authorities have been impeding District Attorney Joseph Busch's investigation into the break-in of the office of Daniel Ellsberg's psychiatrist. According to the article, Busch was dismayed at U. S. Department of Justice delay in delivering certain FBI reports crucial to the investigation. In addition, Richard Hecht of the LACDA's office was described as "fuming" over delay on the furnishing of reports and the fact FBI Agents had instructed some key witnesses not to discuss the case with investigators of the LACDA's office. The article also stated reports of follow-up interviews of John Ehrlichman had not been delivered.

As authorized in your memorandum of May 24, 1973, the results of FBI interviews of Efrain and Maria Martinez were furnished the LACDA's office on May 27, 1973. With regard to the allegation that FBI Agents instructed key witnesses not to discuss the alleged burglary with investigators of the LACDA's office, previous inquiry was made of pertinent FBI offices and the allegation was determined to be completely unfounded. In this regard you are referred to copies of teletypes previously furnished the Department dated May 10, 1973, from Los Angeles, Washington, D. C., and Miami, FBI offices.

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bower _____
Mr. Herndon _____
Mr. Connelley _____
Mr. Gurnea _____
Mr. Harbo _____
Mrs. Hogan _____

JRW:wmc

(6)

ST-102

SEE NOTE PAGE TWO

ROUTE IN ENVELOPE

84 JUN 14 1973

MAIL ROOM ☐

TELETYPE UNIT ☐

REC-64

JUN 1 1 35 PM '73

COMM-FBI

EM/wmc

JRW

Assistant Attorney General
Criminal Division

Mr. Hecht was contacted by our Los Angeles Office on May 29, 1973, to make certain he had received the results of interviews of [REDACTED]. He used this occasion to complain that the only information he has received came from Judge W. Matt Byrne, Jr., including two interviews of John Ehrlichman dated April 30 and May 1, 1973. He contended he had personal knowledge that the FBI conducted an interview of Ehrlichman on either May 4 or May 11, 1973. He stated he suspected Egil Krogh had also been interviewed by the FBI and further had asked the Department of Justice to determine if [REDACTED] reported to be [REDACTED] had been interviewed. He contended he had heard nothing regarding an interview of Charles Colson. Mr. Hecht stated he was only interested in information relating to the burglary of the office of Ellsberg's psychiatrist.

Ehrlichman was only interviewed on two occasions, namely April 30 and May 1, 1973, with regard to the alleged burglary and [REDACTED] has not been interviewed. Ehrlichman was interviewed on May 11, 1973; however, the interview did not concern matters related to the burglary of the office of Ellsberg's psychiatrist. Charles Colson was interviewed on May 8 and May 16, 1973, and the results were furnished to the Department.

This Bureau has complied with all Departmental instructions with regard to the release of information to the LACDA's office. In view of the continuing allegations concerning the lack of cooperation on the part of the FBI and Department of Justice, the foregoing is furnished for your information and such action as you deem appropriate.

NOTE:

See memorandum E.S. Miller to Mr. Felt dated 5/31/73, captioned "Ellsberg Case," prepared by JRW:wmc.

Intelligence Division

INFORMATIVE NOTE

Date 5/30/73

You were previously advised that Charles Colson, former Special Counsel to the President, during interview advised that he requested on an unrecalled date \$5,000 from [REDACTED]

This money was delivered to the office of Egil Krogh and Colson had a vague recollection the original request for funds may have come from John Ehrlichman.

Attached from Washington Field Office sets out results of interview of [REDACTED] regarding his knowledge of the [REDACTED]

[REDACTED] is not certain and cannot swear that Krogh received any money from him. He recalls request from Colson, possibly by telephone, for loan of money needed immediately and was assured money would be returned.

[REDACTED] cannot recall when request made nor amount requested. He could not recall specific words used by Colson in making the request. His best recollection is that Colson told him "they needed it." "They" referred to The White House. Colson did not mention any specific individual.

[REDACTED] took money from available funds. He had money belonging to [REDACTED]

[REDACTED] Money may have been a mixture of [REDACTED]

CONTINUED - OVER
↓

NOTE - CONTINUED

these funds.

On day of request [REDACTED] brought cash to Colson's office at the Executive Office Building (EOB). Colson told him to take it to another office in the same building and deliver it to whomever was present. He could not recall the office. It was in the EOB on same floor with Colson's office.

[REDACTED] gave money to unknown man in office. He did not receive a receipt and had no discussion with this person about the cash. He did not know if individual who took money from him was Krogh. [REDACTED] has never met Krogh, David Young, Howard Hunt or Gordon Liddy.

[REDACTED] was repaid through arrangements made by Colson. Colson did not personally repay the loan. Colson or someone from his firm, notified [REDACTED] of arrangements for repayment. [REDACTED] went to office of [REDACTED] was not present but a woman in that office gave him the money. He does not believe he executed a receipt. He did not know how [REDACTED] office got the money. [REDACTED] has no knowledge of how money he delivered was used. He did not receive any similar request from Colson for cash in this time frame. [REDACTED] could not recall the sum of money requested by Colson.

* Washington, D. C.

- 2 -

CONTINUED - OVER

NOTE - CONTINUED

He felt that the sum he delivered was close to fulfilling the request. [REDACTED] was called by Colson within past two or three weeks. Colson was trying to "pin down information" about a loan. Colson was looking for the same information he, [REDACTED] was giving the FBI.

Copies of attached being furnished to Mr. Kevin T. Maroney, Deputy Assistant Attorney General, Criminal Division of the Department.

WDR

ESA
JHK

FSP
JC

JHK:mcl

7

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Conmy *JK*

DATE: 6/1/73

FROM : J. E. Herington *JK*SUBJECT: THOMAS OLIPHANT, ET AL
ANTIRIOT LAWS

On the evening of 5/31/ [REDACTED] a reporter for the "Boston Globe" called me and said that [REDACTED] was in custody in Boston and was claiming a great deal of information about the Ellsberg case, including the allegation that he was the source of the information that the Soviet Embassy had the Pentagon papers prior to publication of them in the "New York Times." [REDACTED] said that he considered [REDACTED] a liar and possibly a nut and wanted to know what investigation the FBI had conducted concerning him and our evaluation of his allegations.

[REDACTED] was arrested in Oakland, California, in late 1972. [REDACTED] in Boston and was sentenced to life imprisonment. After his arrest in Oakland he asked for an FBI interview regarding the Ellsberg papers. On 10/7/72 he was interviewed and could furnish no useful information. Both the San Francisco and Boston Offices consider him mentally unbalanced and believe he was trying to get local charges against him dropped by furnishing information. Earlier during the day of 5/31/73 I had received calls from SAC, Boston and ASAC, San Francisco advising that [REDACTED] had contacted each office asking for the same information, which had been declined.

I told [REDACTED] that there is no way I could discuss individual interviews in the Ellsberg case or attempt to evaluate information furnished by anyone we may have contacted. [REDACTED]

- 1 - Mr. Gebhardt
- 1 - Mr. Miller
- 1 - Mr. Conmy *JK*
- 1 - Mr. Herington

(CONTINUED-OVER)

DT

JUN 5 1973

55 JUN 14 1973

JEH:asg

(5)

ORIGINAL FILED IN

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Miss Gandy	

mxu

NR012 LA CODE
 625 PM URGENT 5-29-73 DAN
 TO ACTING DIRECTOR (65-74060)
 ATTN: INTD
 FROM LOS ANGELES (105-27952) 4P
 MC LEK, SIO

RE BUREAU TEL, MAY TWENTYFIVE LAST.

A NEWS ARTICLE, WHICH APPEARED IN QUOTE LOS ANGELES
 TIMES UNQUOTE MAY TWENTYNINE INSTANT BY TIMES STAFF
 WRITER WILLIAM FARR, SET FORTH ALLEGATIONS FROM QUOTE
 SOURCES CLOSE TO THE CASE UNQUOTE AS FOLLOWS:

QUOTE FEDERAL AUTHORITIES HAVE BEEN IMPEDING DISTRICT
 ATTORNEY (DA) JOSEPH BUSCH'S INVESTIGATION INTO THE BREAK-IN
 AT THE OFFICE OF DANIEL ELLSBERG'S PSYCHIATRIST. BUSCH REPORTEDLY
 IS DISMAYED AT THE U. S. JUSTICE DEPARTMENT'S DELAY IN DELIVERING
 CERTAIN FBI REPORTS CONSIDERED CRUCIAL TO THE INVESTIGATION.

END PAGE ONE

REC-64 65-14111 4/400
 JUN 11 1973
 ST-102
 84 JUN 14 1973

PAGE TWO

RICHARD HECHT, THE PROSECUTOR ASSIGNED BY BUSCH TO HEAD THE LOCAL INVESTIGATION IS DESCRIBED BY THESE SOURCES AS 'FUMING' OVER THE PROCRASTINATION ON THE REPORTS AND THE FACT THAT FBI AGENTS HAVE INSTRUCTED SOME KEY WITNESSES NOT TO DISCUSS THE CASE WITH BUSCH'S MEN UNQUOTE.

THE ARTICLE IDENTIFIES THE WITNESSES REPORTEDLY TOLD BY THE FBI TO REMAIN SILENT AS THE CLEANING WOMAN AT DOCTOR FIELDING'S OFFICE AND FELIPE DE DIEGO. THE ARTICLE CONTINUED THAT AMONG THE REPORTS NOT YET DELIVERED TO THE DA WERE THOSE OF FOLLOW-UP INTERVIEWS WITH JOHN ERLICHMAN.

RICHARD HECHT WAS TELEPHONICALLY CONTACTED ON MAY TWENTYNINE INSTANT REGARDING TURNING OVER OF FD THREE ZERO TWOS OF INTERVIEWS WITH [REDACTED] AS AUTHORIZED IN REFERENCED TEL. HECHT TOOK THE OCCASION TO BITTERLY COMPLAIN THAT HE HAS RECEIVED QUOTE NOTHING UNQUOTE FROM EITHER THE DEPARTMENT OF JUSTICE OR THE FBI DESPITE AT LEAST SEVEN CONTACTS WITH THE DEPARTMENT IN AN EFFORT TO OBTAIN PERTINENT MATERIAL. HECHT STATED THE ONLY INFORMATION HE HAS RECEIVED HAS BEEN FROM JUDGE BYRNE'S COURT HE STATED HE IS IN POSSESSION OF THE TWO INTERVIEWS OF ERLICHMAN DATED APRIL THIRTY AND MAY ONE LAST BUT STATED HE HAS PERSONAL KNOWLEDGE THAT THE FBI CONDUCTED AN ADDITIONAL THREE-HOUR INTERVIEW WITH ERLICHMAN ON

END PAGE TWO

LA 105-27952

PAGE THREE

EITHER MAY FOUR OR MAY ELEVEN LAST. HE STATED THE LATTER INTERVIEW OF ERLICHMAN OCCURRED ON A FRIDAY AND WAS ON THE DAY HE, HECHT, HAD A CONFERENCE WITH ERLICHMAN'S LAWYER IN WASHINGTON, D. C. HECHT STATED HE SUSPECTS THAT IN ADDITION TO EGIL KROGH'S AFFIDAVIT THAT KROGH WAS ALSO INTERVIEWED BY THE FBI. HE STATED HE HAD ASKED KEVIN MARONEY OF THE DEPARTMENT OF JUSTICE ABOUT THIS INTERVIEW AND MARONEY HAD TOLD HIM THAT HE WOULD QUOTE CHECK ON IT UNQUOTE. HECHT STATED HE HAS ASKED THE DEPARTMENT TO DETERMINE [REDACTED] REPORTEDLY [REDACTED] IN ROOM [REDACTED] OF THE EXECUTIVE WHITE HOUSE, HAS BEEN INTERVIEWED AND, IF SO, HE WOULD LIKE THE RESULTS OF THAT INTERVIEW. HE STATED HE HAS HEARD NOTHING REGARDING ANY INTERVIEW OF COLSON.

HECHT STATED HE IS NOT INTERESTED IN THE WATERGATE INVESTIGATION AS A WHOLE BUT ONLY WANTS INFORMATION RELATING TO THE BURGLARY OF DOCTOR FIELDING'S OFFICE. HECHT STATED HE HAD BEEN ADVISED BY KEVIN MARONEY THAT THE LOS ANGELES FBI OFFICE WOULD BE PROVIDING HIM WITH MATERIAL RELATING TO THE BURGLARY OF DOCTOR FIELDING'S OFFICE.

DEPARTMENTAL ATTORNEY DAVID NISSEN HAS PREVIOUSLY ADVISED HE HAD TURNED OVER DIRECTLY TO THE DA'S OFFICE ANY MATERIAL

END PAGE THREE

LA 105-27952

PAGE FOUR

THAT JUDGE BYRNE HAD ORDERED RELEASED TO THE DEFENSE. THIS WOULD HAVE INCLUDED ALL OF THE MATERIAL SET FORTH IN REFERENCED BUREAU TEL AS WELL AS RESULTS OF LOS ANGELES INVESTIGATION SURROUNDING THE BURGLARY OF DOCTOR FIELDING'S OFFICE, INCLUDING THE INTERVIEWS OF THE CLEANING PEOPLE AND THE INTERVIEWS OF THE BEVERLY HILLS POLICE OFFICIALS.

ADMINISTRATIVE:

THE INTERVIEWS OF [REDACTED] WERE DELIVERED TO HECHT'S OFFICE ON MAY TWENTYSEVEN LAST.

LOS ANGELES RECOMMENDS THAT A CLEAR CHANNEL OF COMMUNICATION BE ESTABLISHED TO FURNISH THE LOS ANGELES COUNTY DA'S OFFICE WITH WHAT MATERIAL IS FELT TO BE PERTINENT TO THEIR INVESTIGATION. IT IS LOS ANGELES' RECOMMENDATION THAT THE CHANNEL OF COMMUNICATION BE DIRECTLY FROM THE DEPARTMENT OF JUSTICE TO THE DA'S OFFICE.

AS THE BUREAU IS AWARE AND HAS BEEN PREVIOUSLY REPORTED BY THE LOS ANGELES OFFICE, THERE IS NO BASIS TO THE STATEMENT ATTRIBUTED TO RICHARD HECHT THAT FBI AGENTS HAVE INSTRUCTED SOME KEY WITNESSES NOT TO DISCUSS THE CASE WITH BUSCH'S MEN.

END

WGM FBIHQ CLR FOR UR ONE TEL

UNITED STATES GOVERNMENT

Memorandum

TO : MR. FELT

DATE: 6/5/73

FROM : L. M. WALTERS *LMW*

SUBJECT: McLEK

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. ☒
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

On 6/4/73, Mr. Eardley advised that Archibald Cox, special Watergate prosecutor, received a request from the Los Angeles County District Attorney's Office (Joseph P. Busch, District Attorney) for FD-302s of our interviews with Egil "Bud" Krogh and John D. Ehrlichman concerning the break-in at the office of Daniel Ellsberg's former psychiatrist. It was requested that transmittal of the FD-302s be handled through the Los Angeles Office.

Mr. Cox has no objection to our furnishing this material to the District Attorney and Mr. Eardley advised Mr. Cox that he would have to check the Bureau's position in making this data available.

The District Attorney's Office also inquired about the availability of a summary of the break-in presumably prepared by Mr. Ehrlichman. Mr. Eardley said he is not aware of such a document nor whether we have it in our possession. He assumes the District Attorney's Office has interviewed Mr. Ehrlichman who must have informed them that he prepared such a summary.

Newspaper accounts reflect the Los Angeles County Grand Jury is opening its investigation of the break-in today and will explore two main questions:

[REDACTED]

In its recent inquiry into the location of sensitive files, later recovered at the White House, the Inspection Division did not interview Krogh but did interview Ehrlichman. This interview was restricted to the location of the files in question and did not cover the break-in of the psychiatrist's office.

ACTION:

That this matter be referred to the Intelligence Division which is currently handling the requests involved.

- 1 - Mr. Eardley
- 1 - Mr. Miller

REC-64 65 117-3-4401

T-102

10 JUN 11 1973

LMW
1/1

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34 JUN 14 1973
KLB:wmj (4)
HR

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: 5/31/73

FROM : E. S. Miller *ESM*

1 - Mr. Eardley
1 - Mr. E.S. Miller
1 - Mr. J.R. Wagoner

SUBJECT: ELLSBERG CASE *MLK*

Mr. Felt ✓
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhard
Mr. Jenkins
Mr. Marshall
Mr. Miller
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baine
Mr. Barnes
Mr. Bowers
Mr. Herings
Mr. Conny
Mr. Mintz
Mr. Eardley
Mrs. Hogan

"Los Angeles Times" issue of 5/29/73 set forth an article alleging Federal authorities have been impeding Los Angeles County District Attorneys (LACDA) investigation into burglary of office of Ellsberg's psychiatrist. Attached is a memorandum to Assistant Attorney General, Criminal Division, advising him of article for any action deemed necessary.

The article was by "Times" staff writer William Farr and quoted "sources close to the case." According to the article, District Attorney Joseph Busch was reportedly dismayed at the U.S. Justice Department's delay in delivering certain FBI reports considered crucial to his investigation of the burglary of the office of Ellsberg's psychiatrist. Busch's chief prosecutor, Richard Hecht, was described as "fuming" over the procrastination on the furnishing of reports and the fact that FBI Agents had instructed some key witnesses not to discuss the case.

The article further contended that reports regarding follow-up interviews with John Ehrlichman had not been delivered.

Richard Hecht was contacted by our Los Angeles Office on 5/29/73 to make certain he was aware that results of interviews of [redacted] were turned over to his office on 5/27/73. Hecht used this occasion to complain that he had received "nothing" from either the Department of Justice or the FBI despite at least seven contacts with the Department in an effort to obtain pertinent material. He stated the only information he has received has been from Judge Byrne's Court which included two interviews of Ehrlichman on 4/30 and 5/1/73. He contended he has personal knowledge that the FBI conducted an additional interview of Ehrlichman either on 5/4/73 or 5/11/73. Hecht stated he had asked Deputy Assistant Attorney General Kevin Maroney as to interviews of Egil Krogh and [redacted]. He stated he had heard nothing regarding an interview of Charles Colson.

Enclosure - Sent 6-1-73

JRW:wmc *wmc*
(4)

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65-71-8462
10 JUN 11 1973

51-102

CONTINUED - OVER

84 JUN 14 1973

ROUTE IN ENVELOPE

Memorandum to Mr. Felt
Re: ELLSBERG CASE

The facts of Hecht's request for information in possession of FBI regarding the burglary are as follows. Hecht contacted Los Angeles Office on 5/10/73 and contended he had obtained Assistant Attorney General Petersen's permission for FBI to furnish him copies of all FBI interviews of David Young, John Ehrlichman, G. Gordon Liddy and Howard Hunt. He also requested interviews of Marine Corps Commandant General Cushman and former CIA Director Richard Helms, if such interviews had been conducted. He requested results of interviews with anyone working or occupying space in the building housing the psychiatrist's office.


Inasmuch as Departmental Order 3464, Supplement Number 4 provides any information obtained by the FBI should not be furnished to any person outside the Department of Justice except upon the specific authorization of the Attorney General, a memorandum was directed to the Assistant Attorney General, Criminal Division, on 5/14/73 advising of Hecht's request and asking advice from the Department as to what specific information could be furnished to Hecht. By memorandum 5/24/73 the Department advised that the LACDA's office was already in possession of the results of interviews of John Ehrlichman on 4/30 and 5/1/73; the affidavit of Egil Krogh dated 5/4/73.

The Department authorized the FBI to furnish the District Attorney's office the results of our interviews of Efrain and Maria Martinez who furnished information regarding individuals and events which preceded the burglary (the Martinezs' were the cleaning employees at the psychiatrist's office). The Department memorandum stated that Hecht had been orally advised by Mr. Maroney that David Young, John Dean and E. Howard Hunt, Jr. had refused to be interviewed on 5/3, 5/8 and 5/9/73 respectively. Hecht was also advised that an affidavit made by General Cushman dated 5/11/73 would be furnished by the Department.

Memorandum to Mr. Felt
Re: ELLSBERG CASE

The details of the Department memorandum together with the authorization to furnish information was sent to Los Angeles by teletype on 5/25/73 with Bureau authorization to advise the LACDA's office that G. Gordon Liddy also refused to be interviewed by the FBI.

It is noted Hecht advised our Los Angeles Office on 5/29/73 he is interested in only information relating to the burglary of the office of Ellsberg's psychiatrist. With regard to this burglary, John Ehrlichman was interviewed by the FBI on only two occasions, namely 4/30 and 5/1/73 and we have not interviewed Krogh's



interviews related to the burglary and, therefore, are of no interest to the LACDA's office. Colson, when interviewed, had only hearsay information regarding the burglary.

Hecht, when in contact with Assistant Attorney General Petersen on 5/10/73, contended that certain people contacted by his office in connection with his investigation said they were instructed by the FBI not to cooperate. We checked into this allegation with pertinent FBI offices and determined it to be without foundation and, in addition, those individuals named by Hecht were recontacted to make certain they understood that they were free to talk to anyone they desired. In this regard, copies of teletypes were previously furnished the Department dated 5/10/73 from Los Angeles, WFO and Miami.

ACTION:

Attached is memorandum to Assistant Attorney General, Criminal Division, outlining the LACDA's office complaints in this matter for any action deemed necessary and pointing out that this Bureau has complied with all Departmental instructions as to the release of information to the LACDA's office.

WAP *7* *FM/WAP*

F B I

Date: 5/14/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060)
(ATTENTION: INTD)

FROM J. Edgar Hoover SAC, LOS ANGELES (105-27952)

SUBJECT: MC LEK
SIO

Transcript
of Court
Proceedings

Re Los Angeles teletype, 5/11/73.

Enclosed for the Bureau are three copies each of the following transcript pages of court proceedings held 5/11/73:

Pages 22,651 - 22,653

Pages 22,681 - 22,691

Pages 22,651 through 22,653 relate to allegation that the FBI furnished grounds for dismissal in order to avoid embarrassment to the White House.

Pages 22,681 through 22,691 contain the full context of Judge BYRNE's ruling on the dismissal order.

C. J. [unclear]
DEC-83
[Signature]

83
65-74000 4403

6-11-73

~~1941-1942~~

3 - Bureau (Encls. 45) (RM)
1 - Los Angeles
RFK/mlh
(4)

ENCLOSURE

[Handwritten signature]

Approved: _____

Sent _____ M Per _____

Special Agent in Charge

U.S. Government Printing Office: 1972 — 455-574

84 JUN 13 1973

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1 THE COURT: It wasn't a question of not turning
2 them over. It just was there wasn't much they were
3 turning over.

4 MR. WEINGLASS: If Mr. Nissen could cite
5 a single case where there was non-compliance and the case
6 was allowed to proceed, that would come as a surprise to me.
7 I don't think such a case exists. I think in every instance
8 where the government could not or would not comply the
9 case is dismissed, and I don't think there is any exception
10 to that.

11 The last observation I would like to make is
12 the question Mr. Boudin raised in a somewhat different
13 context as to what really is before the Court now in terms
14 of information.

15 On or about May 20, 1972, the Court directed
16 the Government to search its records to ascertain if
17 there was any surveillance of the defendants. That is
18 approximately a year ago.

19 In the last ten days in this case there have
20 been disclosures made by the Government which have indicated
21 very serious wrongdoings on the part of persons in the
22 White House, perhaps even reaching the chief executive.

23 On or about May 1 or 2 we were at the point
24 where the question of the involvement of President Nixon
25 himself was raised in court.

ENCLOSURE

1 On May 4, within two days, the FBI director,
2 for reasons unclear, ordered the agency to open an
3 investigation as to whether or not there were overhearings
4 pertaining to this case, and to newsmen.

5 It seems very strange that within four days
6 after a year's lapse, but within four days the FBI was able
7 to come up with an unnamed agent who is able to say that he
8 has a distinct recollection, not supported by any record,
9 that the defendant Ellsberg was overheard, that revelation
10 coming within a week of the most profound Watergate
11 implication in this case.

12 It seems to us a very peculiar procedure that
13 after a year's delay the government could, incidental
14 with the disclosure that the President might be involved
15 in this case -- within four days the government is able to
16 find an agent who was unnamed who recalls an overhearing
17 of the defendant, and that no records exist to support
18 his claim.

19 It raises questions as to whether or not this
20 Court was dishonestly dealt with in the first instance
21 or is being dishonestly dealt with in this instance.
22 We don't know. I don't think this Court can tell,
23 but it is very possible that this person who didn't
24 exist, this agent, for a year and who was suddenly found
25 this week is a person who is perhaps assisting the government

6a6

1 in an attempt to get out from under a very uncomfortable
2 situation, and I think the timing of the things could
3 justify really coming to that inference.

4 And so I agree with Mr. Boudin that in order
5 for the Court again not to become the victim of an
6 ongoing pattern of governmental misconduct, the Court has
7 to find out why it was that it happened just this way
8 and whether or not this new event, this so-called unconnected
9 overhearing, unconnected with Watergate, is not in fact
10 very connected, and is not in fact an attempt again being
11 made on the part of the White House to divert this
12 Court from an investigation that was embarked upon up
13 until yesterday morning.

14 It certainly does lead to that consequence,
15 and so I agree with Mr. Boudin that in order for this
16 Court not to fall victim to that kind of ongoing misconduct
17 the Court should probe ahead, find out why this agent
18 was not located until the disclosure respecting President
19 Nixon came to light in this courtroom, and to probe ahead
20 into the ongoing Watergate aspects of this case.

21 And also to decide the substantive issues
22 of law in this case so that again the Court will not
23 become the unwitting victim of an attempt to block the
24 investigation that we had started at the outset of
25 this week.

19.1

1 LOS ANGELES, CALIFORNIA; FRIDAY, MAY 11, 1973; 1:45 P.M.

2
3 THE COURT: Good afternoon.

4 Does the government have any additional
5 information?

6 MR. NISSEN: Your Honor, I have contacted
7 Washington to see if any additional information is forth-
8 coming. At this time they have nothing, but hope to have
9 some shortly.

10 THE COURT: I am going to submit a copy. I
11 will mark this as a Court's trial exhibit. It is an
12 anonymous telephone call. There have been several over
13 the last few days. You may have a copy of my secretary's
14 notes on it for each side, if you desire. Do you have a
15 copy?

16 THE CLERK: This will be marked Court's
17 Trial Exhibit 74 for identification.

18 (Said exhibit was marked
19 Court's Trial Exhibit 74
for identification.)

20 THE COURT: Are you ready to proceed in light
21 of that?

22 MR. BOUDIN: Yes.

23 THE COURT: All right, I am prepared to rule
24 on the motion for dismissal. I recognize that the defendants
25 desire a ruling on the motion for judgment of acquittal

1 before I rule on the motion to dismiss the indictment.

2 As I mentioned to you the other day,
3 I wanted before me all dispositive motions in this case,
4 and if I was of the opinion that they were of merit we
5 would proceed in that regard. I have reviewed the papers,
6 as we have throughout the trial, and I have gone over the
7 issues that are presented in the various counts.

8 As I mentioned yesterday, the motion for
9 judgment of acquittal goes to the question of whether all
10 facts in the light most favorable to the government would
11 be sufficient to sustain a judgment of conviction. I believe,
12 from my review, the motion for judgment of acquittal would
13 not be dispositive of all of the issues and counts that
14 are involved in this case, and that only by going to the
15 jury for determination of some of the issues would the
16 defendants have an opportunity to be acquitted on all counts.

17 Now, I believe that the defendants, if
18 they desired, would have the right, as I have said before, to
19 go to the jury, and to resolve the issue of taint, if there
20 be taint, subsequent to the verdict. I am convinced from
21 the record of the past couple of weeks, and particularly of
22 the last couple of days, that it would not be possible to
23 have a sufficient hearing, a hearing sufficient in scope,
24 to resolve all of the issues that have been raised in a
25 reasonable period of time, and to do that before submitting.

1 the case to the jury would be impossible in the ordinary cour
2 of litigation. However, all of the remedies, all of the
3 rights, all of the protections of the defendants would be
4 available post trial for a motion for a new trial and
5 setting aside a verdict, if there be such a verdict.

6 I believe that the only remedy other
7 than post-trial hearing would be mistrial, which the
8 defendants have not requested and have opposed, or dismissal
9 I have been considering the dismissal motion because that
10 is the motion that is before me. If the defendants now
11 believe that their rights would be injured by such a
12 determination, then obviously that choice is theirs. They
13 may elect to go to the jury and leave for post-trial
14 determination the issue of taint, as I have already
15 discussed.

16 However, as I say, I am prepared to
17 rule on the motion for dismissal at this time. The motion
18 has been presented at this time, and I feel that I must
19 evaluate it as it appears at the present time, if the
20 defendants so desire, and that will be what I shall do if
21 that continues to be your desire.

22 DEFENDANT RUSSO: May we have a moment, your
23 Honor?

24 THE COURT: Yes.

25 (Brief pause.)

1 MR. BOUDIN: Can I respond very briefly to
2 your Honor?

3 THE COURT: Yes.

4 MR. BOUDIN: The answer will be in the
5 affirmative. The defendants do press their motion, the
6 motion now pending, even the motions previously decided
7 going back to November 1972, and certainly the motions now
8 before your Honor, the broad ones for dismissal of the
9 indictment upon the totality of governmental misconduct,
10 including the suppression of evidence, the invasion of the
11 physician-patient relationship, the illegal wiretapping,
12 the destruction of relevant documents and the disobedience
13 to judicial orders.

14 This statement of particulars is not
15 intended to be complete.

16 THE COURT: All right.

17 Mr. Weinglass, do you join?

18 MR. WEINGLASS: I join.

19 THE COURT: All right.

20 This ruling is based upon the motion in
21 that scope that Mr. Boudin has just stated. It is not
22 based solely on the wiretap, nor is it based solely on the
23 break-in and the information that has been presented over
24 the last several days.

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1 Commencing on April 26, the Government
2 has made an extraordinary series of disclosures regarding
3 the conduct of several governmental agencies regarding
4 the defendants in this case. It is my responsibility
5 to assess the effect of this conduct upon the rights of
6 the defendants. My responsibility relates solely and only
7 to this case, to the rights of the defendants and their
8 opportunities for a fair trial with due process of law.

9 As the record makes clear, I have attempted to
10 require the government and to allow the defendants to
11 develop all relevant information regarding these highly
12 unusual disclosures. Much information has been developed,
13 but new information has produced new questions, and there
14 remain more questions than answers.

15 The disclosures made by the government demonstrate
16 that governmental agencies have taken an unprecedented
17 series of actions with respect to these defendants. After
18 the original indictment, at a time when the government's
19 rights to investigate the defendants are narrowly circumscribed,
20 White House officials established a special unit to investi-
21 gate one of the defendants in this case. The special unit
22 apparently operated with the approval of the FBI, the
23 agency officially charged with the investigation of this
24 case.

25 We may have been given only a glimpse of what

10b2

1 this special unit did regarding this case, but what we
2 know is more than disquieting. The special unit came to
3 Los Angeles and surveyed the vicinity of the offices of the
4 psychiatrist of one of the defendants. After reporting
5 to a White House assistant and apparently receiving
6 specific authorization, the special unit then planned and
7 executed the break-in of the psychiatrist's office in
8 search of the records of one of the defendants.

9 From the information received, including
10 the last document filed today, it is difficult to determine
11 what, if anything, was obtained from the psychiatrist's
12 office by way of photographs.

13 The Central Intelligence Agency, presumably
14 acting beyond its statutory authority, and at the request
15 of the White House, had provided disguises, photographic
16 equipment and other paraphernalia for covert operations
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11 fols.

1 The government's disclosure also revealed
2 that the special unit requested and obtained from the CIA
3 two psychological profiles of one of the defendants.

4 Of more serious consequences is that
5 the defendants and the Court do not know the other activities
6 in which the special unit may have been engaged and what
7 has happened to the results of these endeavors. They do not
8 know whether other material gathered by the special unit
9 was destroyed, and though I have inquired of the government
10 several times in this regard, no answer has been forthcoming.

11 Though some governmental officials were
12 aware of the illegal activities of this unit directed at
13 the defendant, and thus at this case, the Court nor the
14 defendants nor, apparently, the prosecution itself was
15 ever aware of these facts until Mr. Silbert's memorandum,
16 and then not for some ten days after it had been written.

17 These recent events compound the record
18 already pervaded by incidents threatening the defendants'
19 right to a speedy and fair trial. The government has time
20 and again failed to make timely productions of exculpatory
21 information in its possession requiring delays and
22 disruptions in the trial.

23 Within the last forty-eight hours, after
24 both sides had rested their case, the government revealed
25 interception by electronic surveillance of one or more

1 conversations of defendant Ellsberg. The government can
2 only state and does only state that the interception or
3 interceptions took place.

4 Indeed, the government frankly admits
5 that it does not know how many such interceptions took place
6 or when they took place or between whom they occurred or
7 what was said. We only know that the conversation was
8 overheard during a period of the conspiracy as charged in
9 the indictment.

10 Of greatest significance is the fact
11 that the government does not know what has happened to the
12 authorizations for the surveillance, nor what has happened
13 to the tapes nor to the logs nor any other records
14 pertaining to the overheard conversations. This lack of
15 records appears to be present not only in the Justice
16 Department, but in the Federal Bureau of Investigation, from
17 the response forwarded by Mr. Petersen yesterday that the
18 records of both the FBI and the Justice Department appear
19 to have been missing.

20 The matter is somewhat compounded also
21 by the fact that the documents have been missing since the
22 period of July to October of 1971.

23 The FBI reports that, while the files
24 did once exist regarding this surveillance, they now
25 apparently have been removed from both the Justice Department

1 and the FBI files. As I stated, it is reported by the FBI
2 that the records have been missing since mid-1971.

3 There is no way the defendants or the
4 Court or, indeed, the government itself can test what effect
5 these interceptions may have had on the government's case
6 here against either or both of the defendants. A continuation
7 of the government's investigation is no solution with
8 reference to this case. The delays already encountered
9 threaten to compromise the defendants' rights, and it is
10 the defendants' rights and the effect on this case that is
11 paramount, and each passing day indicates that the
12 investigation is further from completion as the jury waits.

13 Moreover, no investigation is likely to
14 provide satisfactory answers where improper government
15 conduct has been shielded so long from public view and
16 where the government advises the Court that pertinent files
17 and records are missing or destroyed. My duties and
18 obligations relate to this case and what must be done to
19 protect the right to a fair trial.

20 The charges against these defendants
21 raise serious factual and legal issues that I would
22 certainly prefer to have litigated to completion. However,
23 as I just mentioned at the opening of this session, the
24 defendants have the right to raise these issues when they
25 desire. They desire to raise them now, and it is my

1 obligation and duty to rule on them now. However,
2 while I would prefer to have them litigated, the conduct
3 of the government has placed the case in such a posture that
4 it precludes the fair-dispassionate resolution of these
5 issues by a jury.

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1 In considering the alternatives before
2 me, I have carefully weighed the granting of a mistrial,
3 without taking any further action. The defendants have
4 opposed such a course of action, asserting their rights, if
5 the case is to proceed, to have the matter tried before
6 this jury. I have concluded that a mistrial alone would not
7 be fair.

8 Under all the circumstances, I believe
9 that the defendants should not have to run the risk, present
10 under existing authorities, that they might be tried again
11 before a different jury.

12 The totality of the circumstances of
13 this case which I have only briefly sketched offend "a sense
14 of justice." The bizarre events have incurably infected
15 the prosecution of this case. I believe the authority to
16 dismiss this case in these circumstances is fully supported
17 by pertinent case authorities, including United States v.
18 Eastern District, United States v. Coplon, United States v.
19 Apex Distributing, United States v. Heath, Rochin v.
20 California, and Rules 12, 16(g) and 48 of the Federal Rules
21 of Criminal Procedure.

22 I have decided to declare a mistrial and
23 grant the motion to dismiss.

24 I am of the opinion, in the present
25 status of the case --

1 MR. BOUDIN: Your Honor, I couldn't hear your
2 Honor's last statement. Forgive me.

3 THE COURT: I am of the opinion, in the present
4 status of the case, that the only remedy available that
5 would assure due process and the fair administration of
6 justice is that this trial be terminated and the defendants'
7 motion for dismissal be granted and the jury discharged.

8 The order of dismissal will be entered;
9 the jurors will be advised of the dismissal, and the
10 case is terminated.

11 Thank you very much, gentlemen, for your
12 efforts.

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F B I

Date: 5/18/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060)
ATTN: INTELLIGENCE DIVISION

FROM: SAC, WFO (65-11613)

MC LEK

Re Miami Airtel to Bureau Los Angeles and WFO 5/14/73,
requesting check for originals of FD-302 and sworn statement
of [REDACTED] submitted with Miami Airtel, 5/11/73.

WFO copies of Miami Airtel, 5/11/73 contain only
copies of FD-302 and sworn statement.

For information.

(2-Bureau
1-Miami (65-3264)
1-WFO
CAR:cdd
(4)

REC-83

65-74060-4404

6-11-73
21-1973

Approved: _____

Sent _____ M Per _____

84 JUN 13 1973 Special Agent in Charge

U.S. Government Printing Office: 1972 - 455-574

FBI

Date: 6/5/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060) ATTN: INTD

FROM: SAC, WFO (65-11613)

MC LEK

Enclosed for Los Angeles are 5 copies each of the following:

FD 302 reporting interview 5/2/73 with LEONARD GARMENT, Counsel to the President, re proposed interview of DAVID YOUNG; FD 302 reporting interview 5/5/73 with ANTHONY A. LAPHAN, Attorney for DAVID YOUNG, re proposed interview of YOUNG; FD 302 containing supplemental inventory made 5/1 and 2/73 of material previously furnished to Special Agents of the FBI 6/26/72 from the office of E. HOWARD HUNT, Room 333, Executive Office Building, Washington, D. C. The supplemental inventory relates to inventories made by [REDACTED] [REDACTED] Copies of the supplemental inventory were previously furnished to the Bureau by airtel 5/2/73.

For the information of Los Angeles, [REDACTED] [REDACTED] advised that following receipt in June, 1972 of material described in the supplemental inventory they reviewed the contents. No material, on the basis of information then known to them, was found which should have been brought to the attention of any court of law dealing with the ELLSBERG case.

REC-83

- 2 - Bureau
- 2 - Los Angeles (Enc.15) (105-27952)
- 1 - WFO
- CAR:jak
- (5)

23 JUN 8 1973

Approved: 24 JUN 13 1973 Special Agent in Charge

Sent _____ M Per _____

WFO 65-11613

It was known that the White House had instructed members of the staff to conduct an independent investigation concerning certain leaks of classified information, the Pentagon Papers being in this category. Thus, the presence of classified material including FBI reports in the office of HUNT was not considered unusual, he being part of the investigative team.

The above FD 302s are being furnished to Los Angeles for report purposes.